

22. Dewayne E. Perry. "Low Level Language Features". Using Selected Features of Ada: A Collection of Papers, CENTIACS, US Army Communication-Electronics Command, 1981. Reprinted in The Ada Programming Language: A Tutorial, edited by Sabina H. Saib and Robert E. Fritz. IEEE Computer Society Press, 1983. pp. 327-335.

*Refereed Journal Papers*

23. Paul S. Grisham, Herb Krasner, and Dewayne E. Perry. "Data Engineering Education with Real-World Projects", SIGCSE Bulletin, 38:2 (June 2006), pp 64-69., June 2006
24. Alexander Egyed, Hansi A. Mueller, and Dewayne E. Perry. "Integrating COTS into the Development Process", Special Issue: COTS Integration, IEEE Software 22:4 (July/August 2005), 16-18.
25. Ranjith Purushothaman and Dewayne E. Perry, "Towards Understanding the Rhetoric of Small Source Code Changes", Special Issue on Mining Software Repositories, IEEE Transactions on Software Engineering TSE 31:6 (June 2005)
26. Marek Leszak, Dewayne E. Perry and Dieter Stoll "Classification and Evaluation of Defects in a Project Retrospective", Journal of Systems and Software, 61 (2002), 173-187.
27. J.M. Peppich, D.E. Perry, A.A. Porter, L.G. Votta and M.W. Wade. "Studies of Code Inspection Interval Reduction in Large-Scale Software Development", IEEE Transactions on Software Engineering, 28:7 (July 2002), 684-694.
28. Dewayne E. Perry, Harvey P. Siy and Lawrence G. Votta. "Parallel Changes in Large Scale Software Development: An Observational Case Study" Transactions on Software Engineering and Methodology, 10:3 (July 2001), 308-337.
29. D. E. Perry, A. Romanovsky and A. Tripathi. "Guest Editor's Introduction - Current Trends in Exception Handling - Part II", IEEE Transactions on Software Engineering 26:9 (October 2000)
30. D. E. Perry, A. Romanovsky and A. Tripathi. "Guest Editor's Introduction - Current Trends in Exception Handling", IEEE Transactions on Software Engineering 26:9 (September 2000)
31. P. T. Devanbu, D. E. Perry and J. S. Poulin. "Guest Editor's Introduction - Next Generation Software Reuse", IEEE Transactions on Software Engineering 26:5 (May 2000)
32. Ashok Dandekar, Dewayne E. Perry and Lawrence G. Votta, "A Study in Process Simplification", Software Process: Improvement & Practice, 3:2 (June 1997).
33. Ashok Dandekar and Dewayne E. Perry, "Barriers to Effective Process Architecture" Software Process: Practice and Improvement, 2:1, January 1996.
34. David Garlan and Dewayne E. Perry, "Introduction to the Special Issue on Software Architecture", IEEE Transactions on Software Engineering, 21:4 (April 1995).
35. Dewayne E. Perry and Lawrence G. Votta, "Prototyping a Process Monitoring Experiment", IEEE Transactions on Software Engineering, 20:10, October 1994.
36. Dewayne E. Perry, Nancy Staudenmayer and Lawrence G. Votta, "People, Organizations, and Process Improvement", IEEE Software, July 1994.
37. Dewayne E. Perry and Gail E. Kaiser. "Models of Software Development Environments". IEEE Transactions on Software Engineering, 17:3 (March 1991).
38. Dewayne E. Perry and Gail E. Kaiser, "Making Progress in Cooperative Transaction Models", IEEE Bulletin on Data Engineering, 14:1 (March 1991).
39. Dewayne E. Perry and Gail E. Kaiser. "Adequate Testing and Object-Oriented Programming" Journal of Object-Oriented Programming, January-February 1990.
40. Dewayne E. Perry. "Guest Editorial — Selected Papers from the 3rd Ada Applications and Environments Conference". In ACM Transactions on Programming Languages and Systems, October 1990.

*Refereed Conference and Workshop Papers*

41. Sutirtha Bhattachary and Dewayne E. Perry. "Predicting Emergent Properties of Component Based Systems", ICCBSS 2006: Sixth International Conference on COTS-Based Software Systems 2007, March 2007.
42. Sutirtha Bhattacharya and Dewayne E. Perry "Architecture Assessment Model for System Evolution", WICSA6: IFIP Working International Conference on Software Architecture 2007, January 2007
43. Charles L. Chen, Paul S. Grisham, Sarfraz Khurshid and Dewayne E. Perry. "Design and Validation of a General Security Model with the Alloy Analyzer", FSE 2006: ACM SIGSOFT Foundations of Software Engineering 2006, Portland OR, November 2006

44. Vidya Lakshminarayanan, WenQian Liu, Charles L. Chen, Steve Easterbrook, Dewayne E. Perry. "Software Architects in Practice: Handling Requirements", CASCON 2006: IBM CAS Conference, Toronto Canada, October 2006
45. Michael Jester, Herb Krasner, and Dewayne E. Perry. "Software Process Definition & Improvement: An Industry Report", 32nd Euromicro Conference on Software Engineering and Advanced Applications - Software Process and Product Improvement (SEAA-SPPI 2006), Cavtat/Dubrovnik, Croatia, August 2006, August 2006
46. Dewayne E. Perry, Susan Elliott Sim, and Steve Easterbrook. "Case Studies for Software Engineers", Proceedings of the 28th International Conference on Software Engineering & Co-Located Workshops, 20-28 May, 2006, Shanghai, China, May 2006
47. Danlma Shao, Sarfraz Khurshid and Dewayne E. Perry. "Mining Change and Version Management Histories to Evaluate an Analysis Tool: Extended Abstract", Mid-Atlantic Student Workshop on Programming Languages and Systems, April 2006, New Brunswick NJ., April 2006
48. G. Lorenzo Thione and Dewayne E. Perry. "Parallel Changes: Detecting Semantic Interferences". The 29th Annual International Computer Software and Applications Conference (COMPSAC 2005), Edinburgh, Scotland, July 2005
49. Mark Grechanik, Dewayne E. Perry, and Don Batory. "Using AOP to Monitor and Administer Software for Grid Computing Environments", The 29th Annual International Computer Software and Applications Conference (COMPSAC 2005), Edinburgh, Scotland, July 2005
50. Divya Jani, Damien Vanderveken and Dewayne E. Perry. "Deriving Architectural Specifications from KAOS Specifications: A Research Case Study", European Workshop on Software Architecture 2005, Pisa Italy, June 2005.
51. Rodion M. Podorozhny, Dewayne E. Perry and Leon J. Osterweil. "Automatically Analyzing Software Processes: Experience Report", Software Process Workshop 2005, Beijing China, May 2005.
52. Matthew J. Hawthorne and Dewayne E. Perry. "Software Engineering Education in the Era of Outsourcing, Distributed Development, and Open Source Software: Challenges and Opportunities", International Conference on Software Engineering (ICSE2005), St. Louis MO, May 2005.
53. Paul S. Grisham and Dewayne E. Perry. "Customer Relationships and Agile Software Development". Workshop on Human and Social Factors of Software Engineering (HSSE 2005), International Conference on Software Engineering 2005, St. Louis MO, May 2005
54. WenQian Liu, Charles L. Chen, Vidya Lakshminarayanan, Dewayne E. Perry. "A Design for Evidence-based Software Architecture Research". Workshop on Realising Evidence-Based Software Engineering (REBSE'2005), International Conference on Software Engineering 2005, St. Louis MO, May 2005.
55. Matthew J. Hawthorne and Dewayne E. Perry. "Exploiting Architectural Prescriptions for Self-Managing, Self-Adaptive Systems: A Position Paper" ACM SIGSOFT Workshop on Self-Managed Systems (WOSS'04), at ACM SIGSOFT Foundations of Software Engineering 2004, Newport Beach CA, November 2004.
56. Matthew J. Hawthorne and Dewayne E. Perry. "Applying Design Diversity to Aspects of System Architectures and Deployment Configurations to Enhance System Dependability." Workshop on Architecting Dependable Systems 2004, 2004 International Conference on Dependable Systems and Networks. Florence IT June 2004. Supplemental Volume, pp 312-316.
57. Dewayne E. Perry, Susan Elliot Sim and Steve Easterbrook. "Case Studies for Software Engineers." International Conference on Software Engineering 2004 (ICSE 2004), May 2004, Edinburgh, Scotland. pp 736-738.
58. Mark Grechanik, Dewayne E. Perry and Don Batory. "Design of Large-Scale Polylingual Systems". International Conference on Software Engineering 2004 (ICSE 2004), May 2004, Edinburgh, Scotland. pp 357-366.
59. Ranjith Purushothaman and Dewayne E. Perry, "Towards Understanding the Rhetoric of Small Changes - Extended Abstract" International Workshop on Mining Software Repositories (MSR 2004), International Conference on Software Engineering 2004 (ICSE 2004), May 2004, Edinburgh, Scotland. pp 90-94.
60. Mark Grechanik and Dewayne E. Perry. "Analyzing Software Development as a Noncooperative Game". The 6th International Workshop on Economics-Driven Software Engineering Research (EDSER-6), International Conference on Software Engineering 2004 (ICSE 2004), May 2004, Edinburgh, Scotland.
61. Mark Grechanik and Dewayne E. Perry. "Secure Deployment of Components". 2nd International Conference on Component Deployment 2004. May 2004, Edinburgh, Scotland. Lecture Notes in Computer Science, Springer-Verlag. pp 159-174.

62. Mark Grechanik, Dewayne E. Perry and Don Batory. "Reengineering Large-Scale Polylingual Systems - Extended Abstract". International Workshop on Integrating COTS into Software Systems 2004 (IWICCS 2004), February 2004, Redondo Beach CA. pp 22-32.
63. Manuel Brandozzi and Dewayne E. Perry. From Goal-Oriented Requirements to Architectural Prescriptions: The Prescriptor Process. International Workshop From Software Requirements to Architectures, May 2003, pp 107-113.
64. Rodion M. Podorozhny, Dewayne E. Perry, and Leon J. Osterweil. Artifact-based functional comparison of software processes. 4th International Workshop on Software Process Simulation and Modeling, May 2003, pp V.29.1-10.
65. Mark Grechanik, Don Batory and Dewayne E. Perry, "Integrating and Reusing GUI-Driven Applications", International Conference on Software Reuse, Austin, Texas, April 2002.
66. Marcus Goltkowski, Oliver Laitenberger, Dieter Rombach, Forrest Small, and Dewayne Perry, "Software Inspections, Reviews & Walkthroughs", International Conference on Software Engineering 2002, Orlando FL, May 2002.
67. Mark Grechanik, Dewayne E. Perry, and Don Batory, "An Approach to Evolving Database Dependent Systems", International Workshop on Principles of Software Evolution, ICSE2002, Orlando FL, May 2002.
68. Rodion M. Podorozhny and Dewayne E. Perry, "A Multi-Agent Framework for an Architecting Process", Proceedings of 1st International Workshop on Software Engineering for Large-Scale Multi-Agent Systems 2002, ICSE2002, Orlando FL, May 2002.
69. Manuel Brandozzi and Dewayne E. Perry, "Architectural Prescriptions for Dependable Systems", International Workshop on Architecting Dependable Systems, ICSE2002, Orlando FL, May 2002.
70. Francois Coallier, Linda M. Northrop and Dewayne Perry "Invited Industry Presentations (IIP)" Proceedings of the 23rd International Conference on Software Engineering, Toronto Canada, 12-19 May 2001. pp 681-4.
71. Manuel Brandozzi and Dewayne E. Perry "Transforming Goal Oriented Requirement Specifications into Architectural Prescriptions". Workshop Proceedings: From Software Requirements to Architectures STRAW 2001, Castro and Kramer, Editors. pp 54-60.
72. Dewayne Perry, Adam Porter, Lawrence Votta. "Empirical Studies and Software Engineering: A Roadmap", The Future of Software Engineering - ICSE2000, Finkelstein, ed. June 2000.
73. Marek Leszak, Dewayne E. Perry and Dieter Stoll. "A Case in Root Cause Defect Analysis", International Conference on Software Engineering 2000, Limerick Ireland, June 2000.
74. Dewayne E. Perry. "A Product Line Architecture for a Network Product", ARES III: Software Architectures for Product Families 2000, Los Palamos, Gran Canaria, Spain, March 2000.
75. Grinter, R. E., Herbsleb, J. D., & Perry, D. E. "The Geography of Coordination: Dealing with Distance in R&D Work", Proceedings, GROUP '99, Phoenix, AZ, November 14-17, 1999.
76. Dewayne E. Perry, Gurgit S. Gil and Lawrence G. Votta. "A Case Study of Successful Geographically Separated Teamwork" Software Process Improvement 1998 (SPI98), December 1998.
77. M.M. Lehman, D.E. Perry and J.F. Ramil. "Implications of Evolution Metrics on Software Maintenance". ICSM'98, November 1998.
78. M.M. Lehman, D.E. Perry and J.F. Ramil. "On Evidence Supporting the FEAST Hypothesis and the Laws of Software Evolution". Metrics'98, November 1998.
79. Nancy Standenmayer, Todd Graves, J. Steve Marron, Andris Mockus, Dewayne Perry, Harvey Siy and Lawrence Votta, Adapting to a New Environment: How a Legacy Software Organization Copes with Volatility and Change, 5th International Product Development Management Conference, Como Italy, May 1998.
80. Dewayne E. Perry, Harvey P. Siy and Lawrence G. Votta. "Parallel Changes in Large Scale Software Development: An Observational Case Study", 1998 International Software Engineering Conference (ICSE98), Kyoto Japan, April 1998.
81. Harvey P. Siy and Dewayne E. Perry. "Challenges in Evolving a Large Scale Software Product". Principles of Software Evolution Workshop. 1998 International Software Engineering Conference (ICSE98), Kyoto Japan, April 1998.
82. Dewayne E. Perry. "Generic Descriptions for Product Line Architectures". ARES II Product Line Architecture Workshop, Los Palamos, Gran Canaria, Spain, February 1998.
83. Dewayne E. Perry. "Using Process Modeling for Process Understanding", Software Process Improvement 1997, Barcelona ES, December 1997.

84. MM Lehman, DE Perry, JCF Ramil, WM Turski and P Wernick. "Metrics and Laws of Software Evolution", Proc. Fourth International Symposium on Software Metrics, Metrics 97, Albuquerque, New Mexico, 5-7 Nov 97, pp 20-3.
85. Dewayne E. Perry and Lawrence G. Votta. "The Tale of Two Projects -- Abstract", European Software Engineering Conference/Foundations of Software Engineering Conference 1997, Zurich CH, September 1997.
86. Dewayne E. Perry. "Directions in Process Technology -- An Architectural Perspective", Workshop on Research Directions in Process Technology, Nancy France, July 1997.
87. Dewayne E. Perry. "Maintaining Consistent, Minimal Configurations", SCM7, at ICSE97, May 1997
88. J.M. Perpich, D.E. Perry, A.A. Porter, L.G. Votta and M.W.Wade. "Anywhere, Anytime Code Inspections: Using the Web to Remove Inspection Bottlenecks in Large-Scale Software Development". 1997 International Software Engineering Conference (ICSE97), Boston Mass, May 1997.
89. Ashok Dandekar, Dewayne E. Perry and Lawrence G. Votta, "A Study in Process Simplification", 4th International Conference on Software Process, December 1996, Brighton UK.
90. Dewayne E. Perry, Adam Porter and Lawrence G. Votta, "Evaluating Workflow and Process Automation in Wide-Area Software Development" Software Process Technology, Fifth European Workshop -- EWSPT'96, Springer-Verlag, October 1996.
91. Dewayne E. Perry, "Practical Issues in Process Reuse", 10th International Software Process Workshop, France, June 1996.
92. Dewayne E. Perry, Adam Porter and Lawrence G. Votta, "Evaluating Workflow and Process Automation in Wide-Area Software Development" NSF Workshop on Workflow and Process Automation, May 1996.
93. David Carr and Ashok Dandekar and Dewayne E. Perry, "Experiments in Process Interface Descriptions, Visualizations and Analyses", Software Process Technology, Fourth European Workshop -- EWSPT'95, Springer-Verlag, April 1995.
94. Dewayne E. Perry, "System Compositions and Shared Dependencies", 6th Workshop on Software Configuration Management, ICSE18, Berlin Germany, March 1996.
95. Dewayne E. Perry, "Issues in Process Architecture", 9th International Software Process Workshop, Airdie VA, October 1994.
96. Dewayne E. Perry, "Enactment Control in Interact/Intermediate", in Software Process Technology, Third European Workshop, EWSPT'94, Brian C. Warboys, ed., Springer Verlag, February 1994
97. Dewayne E. Perry and Steven S. Popovich, "Inquire: Predicate Based Use and Reuse", Knowledge-Based Software Engineering Conference, Chicago IL, September 1993.
98. Mark G. Bradac, Dewayne E. Perry and Lawrence G. Votta. "Prototyping a Process Monitoring Experiment", Proceedings of the Fifteenth International Conference on Software Engineering, Baltimore, 1993. Chosen as one of best papers and will be published in the IEEE Transactions on Software Engineering in 1994.
99. Dewayne E. Perry. "Humans in the Process: Architectural Implications", Proceedings of the 8th International Software Process Workshop March 1993, Schloss Dagstuhl, Germany.
100. Dewayne E. Perry. "Policy-Directed Coordination and Cooperation", Proceedings of the 7th International Software Process Workshop, October 1991, Yountville CA.
101. Dewayne E. Perry. "Dimensions of Consistency in Source Versions and System Compositions -- A Position Paper" Proceedings of the 3rd Workshop on Software Configuration Management Trondheim, Norway, June 1991.
102. Stephen S. Popovich, William M. Schell, and Dewayne E. Perry. "Experiences with an Environment Generation System", Proceedings of the 13th International Conference on Software Engineering, May 1991, Austin TX.
103. Dewayne E. Perry. "Policy and Product-Directed Process Instantiation" Proceedings of the 6th International Software Process Workshop", 28-31 October 1990, Hakodate, Japan.
104. Dewayne E. Perry. "The Logic of Propagation in The Inscape Environment". Proceedings of SIGSOFT '89: Testing, Analysis and Verification Symposium, Key West FL, December 1989.
105. Gail E. Kaiser and Dewayne E. Perry. "Infuse: Fusing Integration Test Management with Change Management". Proceedings of COMSAC 89, Kissimmee FL, September 1989
106. Dewayne E. Perry. "An Overview of the Inscape Environment". Proceedings of the International Workshop on Environments -- Building Environments: Lessons from the Past, Directions for the Future, Chinon, France, September 1989.

107. Dewayne E. Perry. "The Inscape Environment". The Proceedings of the Eleventh International Conference on Software Engineering, May 1989, Pittsburgh, PA.
108. Dewayne E. Perry. "Position Paper for the Software CAD Databases Workshop". Proceedings of the 1989 ACM SIGMOD Workshop on Software CAD Databases, February 1989, Napa, CA. April 1989.
109. Dewayne E. Perry. "Problems of Scale and Process Models". The Proceedings of the 4th International Software Process Workshop: Representing and Enacting the Software Process, May 1988, Moretonhampstead, Devon, England.
110. Dewayne E. Perry and Gail E. Kaiser. "Models of Software Development Environments". The Proceedings of the Tenth International Conference on Software Engineering, April 1988, Raffles City, Singapore.
111. Gail E. Kaiser and Dewayne E. Perry. "Workspaces and Experimental Databases: Automated Support for Software Maintenance and Evolution", *Conference on Software Maintenance-1987*, Austin, TX, September 1987. pp 108-114.
112. Dewayne E. Perry. "Software Interconnection Models", *Proceedings of the 9th International Conference on Software Engineering*, Monterey, CA, March 1987. pp 61-69. Best Paper Award.
113. Dewayne E. Perry. "Version Control in the Inscape Environment", This proceedings, Proceedings of the 9th International Conference on Software Engineering, March 30 - April 2, 1987, Monterey CA.
114. Dewayne E. Perry and Gail E. Kaiser. "Infuse: A Tool for Automatically Managing and Coordinating Source Changes in Large Systems", Proceedings of the 1987 ACM Computer Science Conference, February 17-19, 1987, St. Louis MO.
115. Dewayne E. Perry and W. Michael Evangelist. "An Empirical Study of Software Interface Faults — An Update", Proceedings of the Twentieth Annual Hawaii International Conference on Systems Sciences, January 1987, Volume II, pages 113-126.
116. Dewayne E. Perry. "Programmer Productivity in the Inscape Environment", The Proceedings of GLOBECOM '86, December 1986, Houston TX, pages 0428-0434 (12.6.1-12.6.7).
117. Dewayne E. Perry. "The Iteration Mechanism in the Inscape Environment", Proceedings of the 3rd International Software Process Workshop: Iteration in the Software Process, November 1986, Breckenridge CO, pages 49-52.
118. Dewayne E. Perry. "The Inscape Environment: Knowledge-Based Synthesis of Large Systems through the Evolution of Program Interfaces", AAAI Workshop on Automatic Programming, Philadelphia, PA, August 1986.
119. Dewayne E. Perry. "Position Paper: The Constructive Use of Module Interface Specifications", Third International Workshop on Software Specification and Design. IEEE Computer Society, August 26-27, 1985, London, England.
120. Dewayne E. Perry and W. Michael Evangelist. "An Empirical Study of Software Interface Errors", Proceedings of the International Symposium on New Directions in Computing, IEEE Computer Society, August 1985, Trondheim, Norway, pages 32-38.
121. Dewayne E. Perry "Tools for Evolving Software", Proceedings of the 2nd International Workshop on The Software Process and Software Environments, March 1985, Coto De Caza, Trabuco Canyon, CA. Software Engineering Notes 11:4 (August 1986), pages 134-135.
122. A. Nico Habermann and Dewayne E. Perry. "System Composition and Version Control for Ada". Symposium on Software Engineering Environments. Bonn, West Germany. June 16-20, 1980. Published in *Software Engineering Environments*, edited by H. Huenke, North Holland, 1981, pp. 331-343.
123. William Cave, Dewayne E. Perry and James Wagner. "Decision Aids for Tactical Data Systems." Workshop on Applications of Interactive Cybernetic Systems, October 1975.

#### *Current Submissions*

#### *Invited Keynote Papers*

124. Dewayne E. Perry, and Paul Grisham. "Architecture and Design Intent in Component and COTS Based Systems", International Conference on COTS Based Software Systems, February 2006, Orlando FL., February 2006
125. Dewayne E. Perry and Paul Grisham. "Software Architecture: Past, Present and Future", European Workshop on Software Architecture 2005, Pisa Italy, June 2005



126. Dewayne E. Perry. "Product Line Architecture: Generic Descriptions & Case Study ", SOFT-PT04: Software Technologies for Performance and Interoperability, Tulsa OK, June 2005
127. Dewayne E. Perry. "Abstraction -- the Hard Core of Software Engineering," ETAPS 2003 Workshop: Structured Programming: The Hard Core of Software Engineering, Warsaw Poland, April 2003.
128. Dewayne E. Perry. "Software Architecture: Leverage for System Evolution", Proceedings of the Nato Symposium: Technology for Evolutionary Software Development, Bonn Germany, September 2002.
129. Dewayne E. Perry. "Software Architecture and Software Engineering", Proceedings of the International Conference on Software: Theory and Practice 2000, Beijing China, August 2000.
130. Dewayne E. Perry. "Software Evolution and Light Semantics -- Extended Abstract", Proceedings of the 21st International Conference on Software Engineering, May 1999, Los Angeles CA.
131. Dewayne E. Perry. "Software Architecture and its Relevance to Software Engineering", Coordination 1997, Berlin DE, September 1997
132. Dewayne E. Perry. State of the Art in Software Architecture - Abstract, 1997 International Software Engineering Conference (ICSE97), Boston Mass, May 1997
133. Meir M. Lehman, Dewayne E. Perry and Wladyslaw M. Turaki, "Why is it so hard to find Feedback Control in Software Processes?", Proceedings of the 19th Australasian Computer Science Conference, Melbourne AUS, January 1996
134. [Dewayne E. Perry,] Adam Porter and Lawrence G. Votta, "Experimental Software Engineering: A Report on the State of the Art", Proceedings of the Seventeenth International Conference on Software Engineering, April 1995.
135. Dewayne E. Perry. "Dimensions of Software Evolution" Invited Keynote Paper, International Conference on Software Maintenance, Victoria BC, September 1994
136. Dewayne E. Perry and Carol S. Steig, "Software Faults in Evolving a Large, Real-Time System: a Case Study", 4th European Software Engineering Conference -- ESEC93, Garmisch, Germany, September 1993.
137. Dewayne E. Perry. "Industrial Strength Software Development Environments". *Proceedings of IFIP '89 - 11th World Computer Congress*, August 1989, San Francisco, CA. Invited Keynote Paper.
138. Dewayne E. Perry. "Scaling the Process Models". The Proceedings of the 4th International Software Process Workshop: Representing and Enacting the Software Process, May 1988, Moretonhampstead, Devon, England. Invited Keynote Talk.

#### *Unrefereed Papers*

139. Dewayne E. Perry, "Laws and Principles of Evolution", 2002 International Conference on Software Maintenance, Montreal Canada, October 2002
140. Dewayne E. Perry, "Some Holes in the Emperor's Rensed Clothes", WISR'9, Austin TX, January 1999
141. Dewayne E. Perry and Takuya Katayama. "Panel: Critical Issues in Software Evolution". 1998 International Software Engineering Conference (ICSE98), Kyoto Japan, April 1998.
142. Bob Balzer, Carlo Ghezzi, Takuya Katayama, Jeff Kramer, David Notkin, Dewayne Perry and Akinori Yonezawa. "Workshop: Principles of Software Evolution" 1998 International Software Engineering Conference (ICSE98), Kyoto Japan, April 1998.
143. Dewayne E. Perry, Adam P. Porter and Lawrence G. Votta, "Tutorial: A Primer on Empirical Studies", Abstract, 1997 International Software Engineering Conference (ICSE97), Boston Mass, May 1997.
144. Dewayne E. Perry, Wilhelm S. Schaefer and Lawrence G. Votta, "Session 2: Product Line Development Experience I", 10th International Software Process Workshop, June 1996, Ventron FR.
145. Dewayne E. Perry, Wilhelm S. Schaefer and Lawrence G. Votta, "Session 3: Product Line Development Experience II" 10th International Software Process Workshop, June 1996, Ventron FR.
146. Dewayne E. Perry, Wilhelm S. Schaefer and Lawrence G. Votta, "Session 4: Day 1 Summary and Issues" 10th International Software Process Workshop, June 1996, Ventron FR.
147. Nancy S. Standenmayer and Dewayne E. Perry, "Session 5: Key Techniques and Process Aspects for Product Line Development" 10th International Software Process Workshop, June 1996, Ventron FR.
148. Dewayne E. Perry, Session 8: Product Line Implications for Process - Summary 10th International Software Process Workshop, June 1996, Ventron FR.

149. Dewayne E. Perry, "OO and Opportunities for Software Evolution" Invited Panel Position Paper, International Conference on Software Maintenance, Victoria BC, September 1994
150. David Garlan and Dewayne E. Perry, "Software Architecture: Practice, Pitfalls, and Potential" Panel Introduction, 16th International Conference on Software Engineering, Sorrento IT, May 1994.
151. Dewayne E. Perry and Alexander L. Wolf. "Foundations for the Study of Software Architecture". ACM SIGSOFT Software Engineering Notes, 17:4 (October 1992).
152. Dewayne E. Perry. "Evolution and Interaction -- Position Paper", Invited position paper for the workshop on "Future Directions in Software Engineering", February 1992, Schloss Dagstuhl, Germany.
153. Dewayne E. Perry. "Session Report: Session 5 -- Human Aspects of Process Design", Proceedings of the 7th International Software Process Workshop, October 1991, Yountville CA.
154. Dewayne E. Perry. "Panel Position Statement. Future Process Directions." Invited position paper. Proceedings of the 1st International Conference on the Software Process: Manufacturing Complex Systems, October 1991, Redondo Beach CA.
155. Dewayne E. Perry. "Evolving a House -- A Parable for Software Engineering", Software Engineering Notes, 16:2 (April 1991).
156. Kouichi Kishida and Dewayne Perry. "Report on Session V: Team Efforts" Proceedings of the 6th International Software Process Workshop", 28-31 October 1990, Hakodate, Japan.
157. Dewayne E. Perry, editor. "Preface and Introduction" Proceedings of the 1st Symposium on Environments and Tools for Ada. Redondo Beach CA, May 1990. SIGAda Letters.
158. Dewayne E. Perry. "Summary Report on the Fifth International Software Process Workshop, Kennebunkport ME, October 1989" Proceedings of the 12th International Conference on Software Engineering Nice France, March 1990.
159. Dewayne E. Perry, Editor. "Preface and Introduction", Proceedings of the Fifth International Software Process Workshop, Kennebunkport ME, October 1989.
160. Dewayne E. Perry. "Summary of Session 5: Control". Proceedings of the Fifth International Software Process Workshop, Kennebunkport ME, October 1989.
161. Dewayne E. Perry. "Session Report: Abstraction and Structure", 5th International Workshop on Software Specification and Design, Pittsburgh PA, May 1989. in "Working Group Summaries from IWSSD '89", ACM SIGSOFT Software Engineering Notes, 14:5 (July 1989), pp 35-42.
162. Dewayne E. Perry. "Session Summary: Conclusions". The Proceedings of the 4th International Software Process Workshop: Representing and Enacting the Software Process, May 1988, Moretonhampstead, Devon, England.
163. Dewayne E. Perry. "Session Summary: Metamodels." Proceedings of the 3rd International Software Process Workshop: Iteration in the Software process. Breckenridge, CO, November 1986. pp 49-52.
164. Dewayne E. Perry. "Session 6: Summary of the Presentations and the Ensuing Discussions." Proceedings of the 2nd International Workshop on The Software Process and Software Environments, March 1985, Coto De Caza, Trabuco Canyon, CA. Software Engineering Notes 11:4 (August 1986), pages 93-96.
165. Tim Standish, et al. "User Interfaces. Report of Working Group 6." Future Ada Environments Workshop, Santa Barbara, CA, September 1984. Software Engineering Notes 10:2 (April 1985).

*Internal Conference Papers*

166. Marek Leszak, Dewayne E. Perry and Dieter Stoll, "A Case Study in Root Cause Defect Analysis", Lucent Software Symposium 1998, October 1998
167. Ashok Dandekar and Dewayne E. Perry, "Barriers to Effective Process Architecture", Extended Abstract, AT&T Software Symposium, October 1994.
168. Dewayne E. Perry, Ashok Dandekar and Larry Votta, "An Experiment in Process Simplification", Extended Abstract, AT&T Software Symposium, October 1994.
169. D.C. Carr, A.V. Dandekar and D. E. Perry, "The Big Picture -- Experiments in Process Interface Description, Visualization and Analysis", AT&T Software Symposium, October 1993.
170. D.C. Carr, A.V. Dandekar and D. E. Perry, "Experiments in Process Visualization", AT&T Software Symposium, October 1993.
171. D. E. Perry, M.G. Bradac, N.A. Staudenmayer, L.G. Votta, AT&T Switching Systems Technology Transfer Symposium, December 1993.

172. D. E. Perry, A.V.Dandekar, D.C.Carr, S.C.North, "Experiments in Process Visualization: Interface AT&T Switching Systems Technology Transfer Symposium, December 1993.
173. Dewayne E. Perry and Steven S. Popovich. "Inquire: Predicate-Based Use and Reuse". Specification Driven Tools Conference, AT&T Bell Laboratories, October 1989.
174. Dewayne E. Perry, James T. Krist, and William W. Schell. "The Inscape Environment and the Design of Finite State Machines in SDL". SBSS Software Development Environment Conference, Naperville IL, November 1988.
175. Dewayne E. Perry. The Construction of Robust, Fault-Tolerant Software in the Inscape Environment. AT&T Fault-Tolerance Symposium, September 1986.

#### *Technical Reports*

176. Paul S Grisham, Charles L. Chen, Sarfraz Khurshid, and Dewayne E. Perry. "Validation of a Security Model with the Alloy Analyzer", October 2006
177. Rodion Podorozhny, Sarfraz Khurshid, Dewayne Perry, and Xiaoqin Zhang. "Verification of cooperative multi-agent negotiation with the Alloy Analyzer", October 2006
178. Soon-Hyeok Choi, Dewayne E. Perry and Scott M. Nettles. "A Software Architecture for Cross-Layer Wireless Network Adaptations", September 2006
179. Laurent A. Henmoye, Axel van Lamsweerde and Dewayne E. Perry. "Attack Patterns for Security Requirements Engineering", September 2006
180. Danima Shao, Sarfraz Khurshid and Dewayne E Perry. "Detecting Semantic Interference in Parallel Changes: An Exploratory Case Study". September 2006
181. Mark Grechanik, Kathryn S. McKinley and Dewayne E. Perry. "Recovering Use-Case-Diagram-To-Source-Code Traceability Links", September 2006
182. Vidya Lakshminarayanan, WenQian Liu, Charles L. Chen, Dewayne E Perry. "Dealing with Security: A Multiple Case Study on Software Architects", June 2006
183. Rodion Podorozhny, Anne Ngu, Dimitrios Georgakopoulos, Dewayne Perry. "Software architecture for flexible integration of process model synthesis methods", March 2006
184. Harvey P. Siy and Dewayne E Perry. "Analyzing Source Code in Source Control Repositories", February 2006
185. Vidya Lakshminarayanan, WenQian Lin, Charles L. Chen, Steve Easterbrook, Dewayne E Perry. "Software Architects in Practice", October 2005
186. Damien Vanderveken, Axel van Lamsweerde, Dewayne E Perry, and Christophe Ponsard. "Deriving Architectural Descriptions from Goal-Oriented Requirements Models", September 2005
187. Mark Grechanik, Kathryn McKinley and Dewayne E Perry. "Automating and Validating Program Annotations", Technical Report TR-05-39. August 2005. 38 pages.
188. Vidya Lakshminarayanan, WenQian Liu, Charles L. Chen, Dewayne E Perry. "A Case Study of Architecting Security Requirements in Practice: Initial Analysis", June 2005
189. Sufirtha Bhattacharya and Dewayne E. Perry. "Predicting Architectural Styles from Component Specifications". May 2005
190. Rodion M. Podorozhny, Wuxu Peng and Dewayne E. Perry. "Self-stabilization in cooperative multi-agent systems by a reset: Position Paper", March 2005
191. Danima Shao, Sarfraz Khurshid and Dewayne E. Perry. "Mining Change and Version Management Histories to Evaluate an Analysis Tool - Extended Abstract -" February 2005.
192. Matthew J. Hawthorne and Dewayne E. Perry "Architectural Styles for Adaptable Self-Healing Dependable Systems" February 2005.
193. Mark Grechanik, Dewayne E. Perry, and Don Batory. "A Scalable Security Mechanism For Large-Scale Component-Based Systems", Revised February 2005.
194. G. Lorenzo Thione and Dewayne E. Perry. Parallel Changes: Detecting Semantic Interference. September 2004.
195. Rodion M. Podorozhny, Dewayne E. Perry, Leon J. Osterweil. "Automatically Analysing Software Processes: Experience Report" September 2003.



196. Mark Grechanik, Dewayne E. Perry and Don Batory. An Aspect-Oriented Approach for Engineering Monitoring and Administrative Software. September 2003.
197. Rodion M. Podorozhny, Dewayne E. Perry, Leon J. Osterweil, "Rigorous, automated method for artifact-based functional comparison of software processes", Spring 2003.
198. Mark Grechanik, Dewayne E. Perry, Don Batory, and R. Greg Lavender. XML-based Intermediate Representation (XIR) Spring 2002.
199. Oliver Laitenberger, Dieter Rombach, Marcus Ciolkowski, Dewayne Perry, Forrest Shull Software Inspections, Reviews & Walkthroughs - Extended Abstract Sigsoft/NSF Impact Report, Spring 2002
200. Oliver Laitenberger, Dieter Rombach, Marcus Ciolkowski, Dewayne Perry, Forrest Shull Software Inspections, Reviews & Walkthroughs Sigsoft/NSF Impact Report, Spring 2002
201. Manuel Brandozzi and Dewayne E. Perry "Introduction to Architectural Prescriptions" Summer 2001.
202. Rodion M. Podorozhny, Leon J. Osterweil and Dewayne E. Perry "Comparison of process specification for repeatable comparison of architecting processes", Spring 2001.
203. Dewayne E. Perry and Wladyslaw M. Turcki. "Report from the Visiting Fellows for the FBAST/I Project", April 1999.
204. Dewayne E. Perry, "A Product Line Architecture for a Network Product - A Case Study", March 1999.
205. MM Lehman, DE Perry and JCF Ramil. "A Fresh Look at the Fourth Law of Software Evolution", September 1997.
206. Dewayne E. Perry. "Dimensions of Consistency in Source Versions and System Compositions", September 1997
207. Dewayne E. Perry and Wladyslaw M. Turcki. "Report from the Visiting Fellows for the FBAST/I Project", June 1997
208. The SLG Process Subteam, "SLG Process Subteam Best-In-Class Software Process Requirements; Release 2" December 1995.
209. The SLG Process Subteam, "SLG Process Subteam Best-In-Class Software Process Requirements", December 1994.
210. Mark G. Bradac, Dewayne E. Perry and Lawrence G. Votta. "The Diagnostic Development Process Monitoring Experiment — Progress Report", February 1993.
211. Dewayne E. Perry. "pv — An Experiment in Process Visualization", 1993.
212. Dewayne E. Perry. "Interact and Intermediate: A Process Description Formalism and a Support Environment", 1993
213. John R. Nestor and Dewayne E. Perry. "Interim Report on the TS Language", AT&T Bell Laboratories, April 1992.
214. J. O. Coplien, W. H. Lin, D. E. Perry, L. G. Votta, D. Weiss. "Guidelines for the MITS Based Interval Reduction Study", AT&T Bell Laboratories, April 1992.
215. M. G. Bradac, D. E. Perry, and L. G. Votta. "Preliminary MITS Data Presentation and Analysis: ISLU2 Diagnostic Software Development", AT&T Bell Laboratories, June 1992.
216. P. Korhorn, D. E. Perry, W. Scacchi, L. G. Votta, and M. Wish. "Final Report on Initial Experiments Applying Process Modeling Technology to SESS™ International On Line Methodology", AT&T Bell Laboratories, July 1992.
217. Dewayne E. Perry and Carol S. Stieg. "Software Faults in Evolving a Large, Real-Time System: a Case Study". April 1990; Revised August 1992.
218. John R. Nestor and Dewayne E. Perry. "Status Report on the Review of TS", AT&T Bell Laboratories, September 1992.
219. Dewayne E. Perry. "Modular Interconnection Formalism Working Group Report", Washington DC, December 1991.
220. Dewayne E. Perry and Jon Ward. "Modular Interconnection Formalism Working Group Report", Santa Fe NM, August 1991.
221. Dewayne E. Perry. "Modular Interconnection Formalism Working Group Report", Boston MA, May 1991.

222. Dewayne E. Perry and Alexander L. Wolf. "Software Architecture". August 1989. Revised January 1991.
223. Dewayne E. Perry. "Modular Interconnection Formalism Working Group Report", Marina Del Rey CA, December 1990.
224. Dewayne E. Perry. "Modular Interconnection Framework Working Group Report", October 1990.
225. Dewayne E. Perry and Stephen S. Popovich. "Inquire: Predicate-Based Use and Reuse". September 1990.
226. Dewayne E. Perry. "Reuse and Repository Working Group Report", DARPA Technical Community Meeting, June 1990, Washington DC.
227. Pamela Zave, Van E. Kelly, and Dewayne E. Perry. "Living Representations for Industrial Software Development". January 1990.
228. Dewayne E. Perry. "The Inscape Environment: A Practical Approach to Specifications in Large-Scale Software Development. A Position Paper." January 1990.
229. Van E. Kelly, David J. Ahnen, Ronald J. Brachman, Prudence T. Z. Kapanan, Dewayne E. Perry, Pamela Zave. "A Naming Scheme for the TRIAD/SDE Project". Technical Memorandum, AT&T Bell Laboratories, May 1989.
230. Helen Diamantitis and Dewayne E. Perry. "Economic Modeling of the Inscape Environment".
231. Dewayne E. Perry. "The Inscape Program Construction and Evolution Environment". Technical Report, Computing Systems Research Laboratory Technical Report, AT&T Bell Laboratories, August 1986.
232. Dewayne E. Perry. "Program Construction and Evolution based on Interface Specifications: Motivation and Overview". Computing Systems Research Laboratory Technical Report, AT&T Bell Laboratories, May 1985.
233. Dewayne E. Perry and Nam S. Woo. "Some Observations on Prolog Programming." Computer Technology Research Laboratory Technical Report, AT&T Bell Laboratories, November 1984.
234. Dewayne E. Perry. TT: User Interface Design. With R.A. Thompson, B. John, and J. Angelilio-Bent. American Bell ED&D. August 1983.
235. Dewayne E. Perry. TT: Kernel Design and Implementation. Prepared for American Bell ED&D. Pegasus Systems. June 1983.
236. Dewayne E. Perry. TT: Software Architecture. Prepared for American Bell ED&D. Pegasus Systems. July 1983.
237. Dewayne E. Perry. TT: High Level Design of the Operating System. Prepared for American Bell ED&D. Pegasus Systems. July 1983.
238. Dewayne E. Perry. TT: Detailed Design of the Operating System. Prepared for American Bell ED&D. Pegasus Systems. July 1983.
239. Dewayne E. Perry. Functional Specification for the Home Life ESP System. With E. E. Perry. Prepared for Home Life Insurance Co. Pegasus Systems. April 1983.
240. Dewayne E. Perry. File Delivery Design and Implementation. Prepared for American Bell Net 1000. Pegasus Systems. March 1983.
241. Dewayne E. Perry. File Delivery Overview. Prepared for American Bell Net 1000. Pegasus Systems. December 1982.
242. EE Perry and DE Perry. Functional Specification for the Home Life Select Quote System. Prepared for Home Life Insurance Corporation. Pegasus Systems. November 1982.
243. Dewayne E. Perry. Exceptions and Software Quality. Draft. Pegasus Systems. June 1982.
244. Dewayne E. Perry. A Discussion of the Issues for the Demonstration and Performance Monitoring in the Experimental Distributed Processing Facility (EDPF). Prepared for Computer Systems Integration and Operations Division, CENTACS, CORADCOM, Ft Monmouth. Pegasus Systems. December 1981.
245. A. Nico Habermann and Dewayne E. Perry. "Language Issues in Functional Programming". Carnegie-Mellon University. March 1981.
246. Dewayne E. Perry. "A Programmers Taxonomy of I/O Interfaces." Carnegie-Mellon University and Pegasus Systems. February 1981.
247. Dewayne E. Perry. Increased performance in Data Validation. Pegasus Systems, January 1981. Prepared for Dnn & Bradstreet, Systems Research and Development.

248. A. Nico Habermann and Dewayne E. Perry. "Well Formed System Composition". Carnegie-Mellon University, Technical Report CMU-CS-80-117. March 1980.
249. Dewayne E. Perry. Deadlock and the Quotron 801 Executive. Pegasus Systems. December 1980. Prepared for Dun & Bradstreet, Systems Research and Development.
250. Dewayne E. Perry. Low Level Language Features in Ada. Carnegie-Mellon University and Pegasus Systems. November 1980. Prepared for the Software Engineering Division, CENTACS, Ft. Monmouth, NJ.
251. FE Perry and DE Perry. The Implementation Documentation for the HBJ College Sample System. November 1980. Prepared for Harcourt Brace Jovanovich, Inc.
252. Dewayne E. Perry. Teaching Ada by Example and Modification. Pegasus Systems. April 1980. Prepared for the Software Engineering Division, CENTACS, Ft. Monmouth, NJ. Draft. Not for release.
253. FE Perry and DE Perry. The Detailed Design Specification for the Harcourt Brace Jovanovich, Inc. College Sample System. February 1980. Prepared for Harcourt Brace Jovanovich, Inc. (Revised November 1980)
254. Dewayne E. Perry. Increased Performance for Report Generation. Pegasus Systems. February 1980. Prepared for Dun & Bradstreet, Systems Research and Development.
255. FE Perry and DE Perry. Test Plan for the Harcourt Brace Jovanovich, Inc. College Sample System. Pegasus Systems. January 1980. Prepared for Harcourt Brace Jovanovich, Inc.
256. Dewayne E. Perry. Incorporating Mapped Memory into the Quotron 801 Executive. Pegasus Systems. December 1979. Prepared for Dun & Bradstreet, Systems Research and Development.
257. FE Perry and DE Perry. Functional Specifications of the Harcourt Brace Jovanovich, Inc. College Sample System. Pegasus Systems. October 1979. Prepared for Harcourt Brace Jovanovich, Inc. (Revised November 1980)
258. AN Habermann, DS Nofkin and DE Perry. Ada LIRs. Carnegie-Mellon University. September-October 1979. Prepared for the DoD HOLWG.
259. Dewayne E. Perry. Incorporating Quotron's Buffered Video Controller into the Quotron 801 Systems. Pegasus Systems. August 1979. Prepared for Dun & Bradstreet, Systems Research and Development.
260. Dewayne E. Perry. Measurements of Disc Scheduling Algorithms for the Quotron 801 Call In Center. Pegasus Systems. July 1979. Prepared for Dun & Bradstreet, Systems Research and Development, Berkeley Heights, NJ.
261. A. N. Habermann, D. Nofkin, and D. E. Perry. "Report on the Use of Ada for the Design and Implementation of Part of Gandalf." Carnegie-Mellon University, Technical Report CMU-CS-79-135. June 1979.
262. Dewayne E. Perry. "High Level Language Features for Handling I/O Devices in Real Time Systems." Ph.D. Dissertation. Stevens Institute of Technology, Castle Point, Hoboken, NJ. May 1978.
263. Dewayne E. Perry. Software Measurements for System Resource Usage in the Quotron 801 Real Time Executive. Pegasus Systems. May 1979. Prepared for Dun & Bradstreet, Systems Research and Development, Berkeley Heights, NJ.
264. Dewayne E. Perry. Disc Scheduling Policies for the Quotron 801 Real Time Executive. Pegasus Systems. May 1979. Prepared for Dun & Bradstreet, Systems Research and Development, Berkeley Heights, NJ.
265. Dewayne E. Perry. Disc Utilization Measurements for the Quotron 801 Real Time Executive. Pegasus Systems. May 1979. Prepared for Dun & Bradstreet, Systems Research and Development, Berkeley Heights, NJ.
266. The Army Language Review Team. Evaluation of the Red and Green Designs. April 1979. Prepared for the DoD HOLWG and the Software Engineering Division, CENTACS, CORADCOM, Ft. Monmouth, NJ.
267. J. Huder and DE Perry. Natural Language Control. Detailed Design and Implementation. April 1979. Prepared for Vydec, Inc., Florham Park, NJ.
268. Dewayne E. Perry. A Comparison of the Red and Green Languages: A Programming Example. Pegasus Systems. March 1979. Prepared for the Army Language Review Team and the Software Engineering Division, CENTACS, CORADCOM, Ft. Monmouth, NJ.
269. J. Huder and DE Perry. The Descriptions of the Tables Required by NLC and Their Contents. Pegasus Systems. March 1979. Prepared for Vydec, Inc., Florham Park, NJ.
270. Dewayne E. Perry. BNF Syntax Specification of Natural Language Commands. Pegasus Systems. February 1979. Prepared for Vydec, Inc., Florham Park, NJ.

271. Dewayne E. Perry. The Relationships Between the Software Development Support System (SDSS) and the Military Computer Family (MCF) Target Machines. Pegasus Systems. January 1979. Prepared for the MCF Project, CENTACS, CORADCOM, Ft. Monmouth, NJ.
272. Dewayne E. Perry. Preliminary Review of the Sesame Cross Assembler. Pegasus Systems. January 1979. Prepared for Dun & Bradstreet, Systems Research and Development.
273. J. Hudler and DE Perry. Natural Language Control Tools Programs: User's Guide, Design and Implementation. Pegasus Systems. September 1978. Prepared for Vydec, Inc., Florham Park, NJ.
274. Dewayne E. Perry. The Functional Requirements Specification, Detailed Design, and Implementation of Changes to Report File Access. Pegasus Systems. August 1978. Prepared for Dun & Bradstreet, Systems Research and Development.
275. Dewayne E. Perry. Task Definition Macros to Generate a Compact Task Table (for the Quotron 801 Executive). User's Guide, Design and Implementation. Pegasus Systems. August 1978. Prepared for Dun & Bradstreet, Systems Research and Development.
276. Dewayne E. Perry. Demand Paging for the Quotron 801 Executive. With Ken Hofer. Pegasus Systems. July 1978. Prepared for Dun & Bradstreet, Systems Research and Development.
277. Dewayne E. Perry. Proposed Disc Performance Measures for the Quotron 801 Executive and the D&B AOS System. Pegasus Systems. July 1978. Prepared for Dun & Bradstreet, Systems Research and Development.
278. Dewayne E. Perry. The Functional Requirements Specification, the Detailed Design, and the Implementation of Changes to Data Validation. Pegasus Systems. June-August 1978. Prepared for Dun & Bradstreet, Systems Research and Development.
279. Dewayne E. Perry. Natural Language Control Functional Specification. Mod III Word Processing System. Section 3. Pegasus Systems. June 1978. (revised February 1979) Prepared for Vydec, Inc., Florham Park, NJ.
280. AN Habermann, DE Perry and D Turner. Notes on the DoD1 Language Host Environment. June 1978.
281. Dewayne E. Perry. The Functional Requirements Specification, The Detailed Design, and the Implementation of Changes to Video Control. Pegasus Systems. May 1978. Prepared for Dun & Bradstreet, Systems Research and Development.
282. Dewayne E. Perry. An Evaluation of Suggested Changes to Improve the Performance of the D&B AOS Minicomputer System. Pegasus Systems. May 1978. Prepared for Dun & Bradstreet, Systems Research and Development.
283. Dewayne E. Perry. The Intrinsic Editor Interface Specification. Mod III Word Processing System. Section 4a. With M. Poulsen. Pegasus Systems. May 1978. Prepared for Vydec Inc., Florham Park, NJ.
284. Dewayne E. Perry. Display Resource Functional Specification. Mod III Word Processing System. Section 4b. With M. Poulsen and L. Narsenhan. April 1978, Revision 1: May 1978. Pegasus Systems. Prepared for Vydec Inc., Florham Park, NJ.
285. Dewayne E. Perry. A Critical Evaluation of Low Level I/O and Machine Dependent Features of the Four Preliminary Language Designs. Pegasus Systems. March 1978. Prepared for the DoD HOLWG.
286. Dewayne E. Perry. FILECOMP Maintenance Manual. CENTACS Report No. 83. Software Engineering Division, CENTACS, US Army Electronics Command, Ft. Monmouth, NJ. September 1977.
287. Dewayne E. Perry. A Simulator for the AN/UGC-74. CENTACS Report No. 76. Software Engineering Division, CENTACS, US Army Electronics Command, Ft. Monmouth, NJ. March 1977.
288. Dewayne E. Perry. Proposed Functional Capabilities for the AN/UGC-74. Pegasus Systems. June 1976. Prepared for System Development Corporation and the Software Engineering Team, CENTACS, US Army Electronics Command, Ft. Monmouth, NJ.
289. Dewayne E. Perry. The Intelligent Communications Terminal Executive Software. A Detailed Design and Implementation Specification. Pegasus Systems. May 1976. Prepared for System Development Corporation and the Software Engineering Team, CENTACS, US Army Electronics Command, Ft. Monmouth, NJ.
290. William Cave, Henry Ledger, Dewayne E. Perry, D. Steacy, James Wagner and Jeff Yohay. Basic Considerations for Management Control Software System Development. CENTACS Report No. 62. Computer Software Technical Area, CENTACS, US Army Electronics Command, Ft. Monmouth, NJ. April 1976.
291. Dewayne E. Perry. The Functional Specification of the Software for the Intelligent Communications Terminal. CENTACS Report No. 61. Computer Software Technical Area, CENTACS. US Army Electronics Command, Ft. Monmouth, NJ. January 1976.

292. Dewayne E. Perry. A Detailed Design and Implementation Specification of a Prompted Data Entry System for TOS. Pegasus Systems. December 1975. Prepared for the Software Engineering TEAM, CENTACS, US Army Electronics Command, Ft. Monmouth, NJ.
293. Dewayne E. Perry. An Informal Detailed Program Design Specification for TOS2 Prompting. Pegasus Systems. 15 July 1975. Prepared for the Software Engineering Team, CENTACS, US Army Electronics Command, Ft. Monmouth, NJ.
294. Dewayne E. Perry and James Wagner. The Preliminary Design of a Prompted Data Entry System for TOS. CENTACS Software Report No. 41. 2 Vols. CENTACS, US Army Electronics Command, Ft. Monmouth, NJ. May 1975.
295. Dewayne E. Perry. A Preliminary Design for the TOS2 Prompting System. Pegasus Systems. April 28, 1975. Prepared for the Software Engineering Team, CENTACS, US Army Electronics Command, Fort Monmouth, NJ.
296. Dewayne E. Perry. The Detailed Design and Implementation Specification for the Sigma 5 Message Switch Data Collection Tape Post Processor. An informal report. Pegasus Systems. 1975. Prepared for Dun & Bradstreet, Systems Research and Development.
297. Dewayne E. Perry. The Detailed Design and Implementation Specification for the FORTRAN Programs to Collect Information About the AOS Data Base. An informal report. Pegasus Systems. 1975. Prepared for Dun & Bradstreet, Systems Research and Development.
298. Dewayne E. Perry. The Detailed Design and Implementation Specification for the FORTRAN programs for Duns Data Continuous Service Survey. Pegasus Systems. 1975. Prepared for Dun & Bradstreet, Systems Research and Development.
299. Dewayne E. Perry. The Functional Specification for the Sigma 5 Message Switch Data Collection Tape Post Processor. Pegasus Systems. 1975. Prepared for Dun & Bradstreet, Systems Research and Development.
300. Dewayne E. Perry. Enhancements to the Quotron 801 Executive Program. Pegasus Systems. 1974. Prepared for Dun & Bradstreet, Systems Research and Development.
301. Dewayne E. Perry. Generalized Reserve, Release, Read and Write Routines for the Report File. Pegasus Systems. 1974. Prepared for Dun & Bradstreet, Systems Research and Development.
302. Dewayne E. Perry. Report File Access. Extensions of its Capabilities and Requests. Pegasus Systems. 1974. Prepared for Dun & Bradstreet, Systems Research and Development.
303. Dewayne E. Perry. Report File Access. Enhancements and Changes to the File Structure. Pegasus Systems. 1974. Prepared for Dun & Bradstreet, Systems Research and Development.
304. Dewayne E. Perry. Increasing Disc Space Utilization in the RFA Subsystem. Pegasus Systems. 1973. Prepared for Dun & Bradstreet, Systems Research and Development.
305. Dewayne E. Perry. How to Use the Quotron 801 Job Step Handler and Sesame Assembler. For the D&B ALO Staff. QSL 1973.
306. Dewayne E. Perry. The Dial-Up Controller's Bisynchronous Communications Interrupt Handler. QSL 1973.
307. Dewayne E. Perry. The Training Mode. The Design and Implementation of an ALO Report Entry Automated Training Program. With Jon Snyder. QSL 1972.
308. Dewayne E. Perry. The Report Copy Utility. The Design and Implementation Specification. QSL 1972.
309. Dewayne E. Perry. The Dialog File Structure for the D&B ALO System. QSL 1972.
310. Dewayne E. Perry. The Dialogs Subsystem. The Design and Implementation of Dialog Programs for the Major ALO Functions. QSL 1972.
311. Dewayne E. Perry. The Display File Structure and a Method for Generating Display Screens for Man/Machine Interfaces. QSL 1972.
312. Dewayne E. Perry. Report File Access. The Design and Implementation of a Dynamic Data Base Entry, Retrieval and Update System. QSL 1972.
313. Dewayne E. Perry. Report File Access File Structure. Dun & Bradstreet's ALO System. Quotron Systems Inc. (QSI). 1972.
314. Dewayne E. Perry. Computer Software Reliability. A Study of Methods to Produce Reliable Software and Their Relationship to Hardware Reliability. PRC. 1971.
315. Dewayne E. Perry. The Production of Real Time Software with an Emphasis on Software Reliability. An Annotated Bibliography. PRC. 1971.



316. Dewayne E. Perry. Various Design and Implementation Documents for TACFIRE: The FSE Major Program, The Nuclear Fire Planning Program, and the Nuclear Casualty Damage Assessment Program. PRC. 1968-1971.
317. Dewayne E. Perry. A Marketing and Technological Study of Computer Peripheral Equipment. With Roger Lowe. PRC. 1968.
318. Dewayne E. Perry. Management of the Production of Real-Time Software. An Annotated Bibliography. Planning Research Corporation (PRC). 1967.
319. Dewayne E. Perry. The Computer Automated Secretary Program. System Development Corporation. 1967.
320. Dewayne E. Perry. The ANFS-Q32 Timesharing System Help Program. 1966.

#### *In Preparation*

321. Rodion Podorozhny, Lee Osterweil, and Dewayne E Perry "Artifact Based Functional Comparison of Software Processes"
322. Mark Grechanik, Dewayne E Perry and Don S Batory, "TML: Engineering a Domain Specific Language."
323. Mark Grechanik, Dewayne E Perry and Don S Batory, recruiting "Refinement of Disparate System Type Schemas."
324. Rodion M Podorozhny, Leon J Osterweil and Dewayne E Perry "Comparison process specifications for repeatable comparisons of software design methods"

#### **Selected Invited Presentations**

##### *Academic:*

Flinders University,  
Carnegie-Mellon University,  
Columbia University,  
Georgia Institute of Technology,  
Hartford Graduate Center,  
IFIP 2.4 Working Group, Queens University,  
Rutgers University,  
Syracuse University,  
University of California at Irvine,  
University of Maryland at College Park,  
University of Massachusetts at Amherst,  
University of Texas, Austin  
Westmont College.

##### *Industrial:*

Bell Communications Research,  
Centre de recherche informatique de Montreal,  
Kestrel Institute,  
Lockheed,  
Massachusetts Computer Associates,  
Micro-Electronics Consortium (MCC),  
Nokia  
Siemens Corporate Research,  
Software Engineering Institute,  
Software Productivity Consortium,  
Schlumberger Computer Science Laboratory,  
Sun Micro-Systems,  
Univis Pauli Research Center,  
USC - Information Sciences Institute.

#### **Teaching Experience**

- Westmont College, Santa Barbara, CA  
Teaching Assistant in Music  
Music Theory
- University of California, Los Angeles, CA  
Teaching Assistant in Philosophy  
Discussion sections in Introductory Philosophy

- Fairleigh Dickinson University, Madison, NJ  
Introduction to Computer Science  
Programming in Fortran
- Stevens Institute of Technology, Hoboken, NJ  
MA188/189 - Programming Methodology
- Carnegie-Mellon University, Pittsburgh, PA  
15-412 Operating Systems  
15-711 Systems Programming (the Operating Systems/Database part)

**The University of Texas at Austin - Courses**

EE322C, Data Structures in C++  
EE360R, Introduction to Software Engineering  
ESE382C, Introduction to Software Engineering  
EE316, Digital Systems Engineering I  
EE382C, Empirical Studies in Software Engineering  
ESE382C, Empirical Studies in Software Engineering  
EE382V, Architecture and Design Intent  
EE398R, Master's Reports  
EE397K, Summer Research Projects

**The University of Texas at Austin - Administrative**

Director, UT ARISE - Center for Advanced Research In Software Engineering,  
Spring 2002 - Spring 2004  
Chair, SWE Undergraduate Curriculum Committee,  
Spring 2002 - present  
Director, Executive Software Engineering Masters Program,  
Spring 2000 - present  
CE Curriculum Redesign Committee,  
Spring-Fall 2000

**The University of Texas at Austin**

*Completed Masters Theses*

Vidya Lakshmi, Fall 2006  
Laurent Hermoye, Spring 2006  
Michael Jester, Summer 2005  
Damien Vanderveken, Spring 2004  
Divya Jana, Spring 2004  
Gianlorenzo Thione, Fall 2003  
Ranjith Puroshothaman, Spring 2002  
Jerry Yang, Spring 2002  
Mamuel Brandozzi, Fall 2002

*Current Masters Students*

*Completed PhD Theses*

Rodion Podorozhy, Summer 2004 (Now at Texas State University, San Marcos TX)  
Mark Grechanik, Fall 2006 (Now at Accenture Research Labs, Chicago IL)  
Sutirtha Bhattacharya, Fall 2006 (at Intel Corp, Portland OR)

*Current PhD Students*

Paul Grisham  
Matthew Hawthorne  
Divya Jani  
Vidya Lakshmi  
Barhat Sajani  
Danima Shao

*Current PhD Committees*

Dung Lam  
Thomas Wahl

*Completed PhD Committees*

Ibrahim Ibr, Fall 2006  
Fei Xie, Summer 2004  
Richard Cardone, Fall 2002  
Thomas Graser, Spring 2001  
James Carrell Holt, Spring 2000

**Other PhD. Committees**

Wendy Liu, University of Toronto, Toronto CANADA

Catherine Jaktman, University of Technology, Sydney  
External Examiner 2001

Atte Kinnula, University of Oulu, Oulu, Finland.  
Reviewer and Opponent. Summer 1999.

Bradley Schmeel, Flinders University, Adelaide, Australia.  
External Examiner 1997

**EXHIBIT B**

**MATERIALS CONSIDERED BY DR. DEWAYNE E. PERRY**

**A60**

1. U.S. Pat. No. 5,327,144
2. TruePosition Source Code: Releases 7, 8, 9, 10
3. TruePosition's Second Amended Complaint (Dated May 30, 2006)
4. Expert Report of Carla S. Mulhern (Dated December 1, 2006)
5. Expert Report Of Oded Gottesman, Ph.D. (Dated December 1, 2006)
6. November 14, 2005 Deposition of Rob Anderson



DEWAYNE E. PERRY, JANUARY 22, 2007  
CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 1

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TRUEPOSITION, INC., )  
Plaintiff, ) C.A. No.  
-vs- ) 04-0757-SLR  
ANDREW CORPORATION, )  
Defendant. )

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

The videotaped deposition of  
DEWAYNE E. PERRY, called as a witness herein for  
examination, taken pursuant to the Federal Rules of  
Civil Procedure of the United States District  
Courts pertaining to the taking of depositions,  
taken before ROSANNE M. NUZZO, a Notary Public  
within and for the County of Will, State of  
Illinois, and a Certified Shorthand Reporter of  
said state, at 5900 Aon Center, 200 East Randolph  
Drive, Chicago, Illinois, on the 22nd day of  
January, A.D. 2007, at approximately 9:09 a.m.

DEWAYNE E. PERRY, JANUARY 22, 2007  
CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 2</p> <p>1 PRESENT:</p> <p>2 WOODCOCK WASHBURN LLP,</p> <p>3 (Cira Centre, 12th Floor,</p> <p>4 2929 Arch Street,</p> <p>5 Philadelphia, Pennsylvania 19104-2891,</p> <p>6 215-568-3100), by:</p> <p>7 MR. DANIEL J. GOETTLE,</p> <p>8 dgoettle@woodcock.com,</p> <p>9 appeared on behalf of the Plaintiff;</p> <p>10</p> <p>11 KIRKLAND &amp; ELLIS LLP,</p> <p>12 (Aon Center, 200 East Randolph Drive,</p> <p>13 Chicago, Illinois 60601,</p> <p>14 312-861-2000), by:</p> <p>15 MS. SHIRA J. KAPPLIN,</p> <p>16 skapplin@kirkland.com, and</p> <p>17 MS. REGAN A. SMITH,</p> <p>18 rasmith@kirkland.com,</p> <p>19 appeared on behalf of the Defendant.</p> <p>20</p> <p>21 VIDEOTAPED BY: JOE M. ELSEY,</p> <p>22 Esquire Deposition Services.</p> <p>23 REPORTED BY: ROSANNE M. NUZZO, CRR, RPR,</p> <p>24 CSR License No. 84-1388.</p>	<p style="text-align: right;">Page 4</p> <p>1 (WHEREUPON, the witness was duly</p> <p>2 sworn.)</p> <p>3 THE COURT REPORTER: Thank you.</p> <p>4 DEWAYNE E. PERRY,</p> <p>5 called as a witness herein, having been first duly</p> <p>6 sworn, was examined and testified as follows:</p> <p>7 EXAMINATION</p> <p>8 BY MR. GOETTLE:</p> <p>9 Q. Good morning, Dr. Perry.</p> <p>10 A. Good morning.</p> <p>11 Q. Would you please state your full name</p> <p>12 for the record.</p> <p>13 A. Dewayne E. Perry, or do you want my</p> <p>14 middle name as well?</p> <p>15 Q. No, that is fine.</p> <p>16 A. That's fine? Thank you.</p> <p>17 Q. Dr. Perry, you're aware of a civil</p> <p>18 suit, a patent lawsuit, between TruePosition and</p> <p>19 Andrew?</p> <p>20 A. Yes.</p> <p>21 Q. How did you first become aware of that</p> <p>22 lawsuit?</p> <p>23 A. I was approached by Rachel Waldron to</p> <p>24 see if I would -- was interested in being retained</p>
<p style="text-align: right;">Page 3</p> <p>1 THE VIDEOGRAPHER: Good morning. We are</p> <p>2 going on the video record at 9:09 a.m.</p> <p>3 My name is Joe Elsey. I am a legal</p> <p>4 videographer with Esquire Deposition Services.</p> <p>5 Our address is 155 North Wacker Drive, Chicago,</p> <p>6 Illinois.</p> <p>7 The court reporter today is Rosanne</p> <p>8 Nuzzo of Esquire Deposition Services.</p> <p>9 Here begins the videotaped deposition</p> <p>10 of Dewayne Perry, taking place in Chicago,</p> <p>11 Illinois.</p> <p>12 Today's date is January 22nd, 2007.</p> <p>13 This deposition is being taken in the matter of</p> <p>14 TruePosition, Incorporated v. Andrew -- Andrew</p> <p>15 Corporation.</p> <p>16 Will counsel please state their names</p> <p>17 for the record.</p> <p>18 MR. GOETTLE: Dan Goettle of Woodcock</p> <p>19 Washburn for Plaintiff, TruePosition.</p> <p>20 MS. KAPPLIN: Shira Kapplin of Kirkland &amp;</p> <p>21 Ellis for the Defendant, Andrew Corporation; and</p> <p>22 with me is Regan Smith.</p> <p>23 THE VIDEOGRAPHER: Will the reporter now</p> <p>24 swear in the witness, please.</p>	<p style="text-align: right;">Page 5</p> <p>1 for Andrew Corporation.</p> <p>2 Q. "Approached." Did she call you on the</p> <p>3 telephone?</p> <p>4 A. Called me on the telephone.</p> <p>5 Q. Do you have a recollection of when,</p> <p>6 about, that was?</p> <p>7 A. Somewhere early to mid part of</p> <p>8 September.</p> <p>9 Q. What did Rachel -- oh, excuse me.</p> <p>10 What did Ms. Waldron tell you about the</p> <p>11 lawsuit?</p> <p>12 A. She just mentioned that there -- she</p> <p>13 was interested -- wanted to know if I was</p> <p>14 interested in looking at code to determine whether</p> <p>15 or not the TruePosition code represented the</p> <p>16 algorithms in the -- in the patent.</p> <p>17 Q. Did she explain what the patent was</p> <p>18 about?</p> <p>19 A. I don't really remember. I suspect,</p> <p>20 but I don't remember.</p> <p>21 Q. Did she tell you why it was important</p> <p>22 to her for you to look at the code and make the</p> <p>23 determination of whether TruePosition rep- --</p> <p>24 whether TruePosition code represented the</p>

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<p style="text-align: right;">Page 6</p> <p>1 algorithms in the patent?</p> <p>2 A. I don't remember whether she said why</p> <p>3 they wanted me to do that.</p> <p>4 Q. Did you have any further conversations</p> <p>5 before -- with Ms. Waldron before you started</p> <p>6 working on behalf of Andrew Corporation?</p> <p>7 A. Not that I recall.</p> <p>8 Well, other than to -- to get the</p> <p>9 agreement and so forth, I don't -- I don't re --</p> <p>10 recall that I did.</p> <p>11 Q. So you say you had a first conversation</p> <p>12 with Ms. Waldron and then, basically, then, you</p> <p>13 signed an agreement?</p> <p>14 A. Yes.</p> <p>15 MR. GOETTLE: I'd like to mark this. It's</p> <p>16 going to be Exhibit 493.</p> <p>17 (WHEREUPON, said document was</p> <p>18 marked Plaintiff's Deposition</p> <p>19 Exhibit No. 493, for</p> <p>20 identification, as of 1/22/07.)</p> <p>21 BY MR. GOETTLE:</p> <p>22 Q. Dr. Perry, I'm handing you what's been</p> <p>23 marked as Exhibit 493. Do you recognize</p> <p>24 Exhibit 493?</p>	<p style="text-align: right;">Page 8</p> <p>1 algorithm.</p> <p>2 Q. The algorithms --</p> <p>3 A. The algorithms as represented in the --</p> <p>4 in the figures and as explained in the -- in the</p> <p>5 preferred embodiment.</p> <p>6 Q. Did you do any research on</p> <p>7 TruePosition?</p> <p>8 A. No.</p> <p>9 Q. Did you do any research on Andrew</p> <p>10 Corporation?</p> <p>11 A. No.</p> <p>12 Q. So you went and looked at the code the</p> <p>13 first time in mid October? That's correct?</p> <p>14 A. Yes.</p> <p>15 Q. And when you came back from looking at</p> <p>16 the code the first time in mid October, what did</p> <p>17 you do to help prepare your report or to aid you</p> <p>18 in preparing your report?</p> <p>19 A. I'm -- I'm not sure I understand what</p> <p>20 you mean.</p> <p>21 Q. Presumably, you went and looked at the</p> <p>22 code in mid October and then looked at the code</p> <p>23 again later?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 7</p> <p>1 A. Yes. This is the -- the patent that</p> <p>2 I was to look at and compare against the code.</p> <p>3 Q. And this is the only patent that you</p> <p>4 were asked to look at?</p> <p>5 A. Yes.</p> <p>6 Q. So when do you -- do you recall when</p> <p>7 you first started working on this project?</p> <p>8 MS. KAPPLIN: Objection, vague.</p> <p>9 BY THE WITNESS:</p> <p>10 A. If you mean when did I first go look</p> <p>11 at the code, that would have --</p> <p>12 BY MR. GOETTLE:</p> <p>13 Q. Sure.</p> <p>14 A. -- that would have been mid October.</p> <p>15 Q. Did you do any research before going to</p> <p>16 look at the code the first time?</p> <p>17 MS. KAPPLIN: Objection, vague.</p> <p>18 BY THE WITNESS:</p> <p>19 A. What do you mean by "research"?</p> <p>20 BY MR. GOETTLE:</p> <p>21 Q. Did you read the patent?</p> <p>22 A. Yes.</p> <p>23 Q. Did you read the claims of the patent?</p> <p>24 A. No. I looked primarily at the</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Did you do anything in between -- in</p> <p>2 between that time frame?</p> <p>3 MS. KAPPLIN: Objection, vague.</p> <p>4 BY THE WITNESS:</p> <p>5 A. I'm not sure what you mean by</p> <p>6 "do anything."</p> <p>7 BY MR. GOETTLE:</p> <p>8 Q. Sure. Sorry.</p> <p>9 A. Could you be more specific?</p> <p>10 Q. After you looked at the code in mid</p> <p>11 October, did you read the patent again?</p> <p>12 A. I actually don't recall.</p> <p>13 Q. Did you do any research on</p> <p>14 TruePosition?</p> <p>15 A. No.</p> <p>16 Q. Did you do any research on Andrew</p> <p>17 Corporation?</p> <p>18 A. No.</p> <p>19 Q. Did you do any research on Andrew</p> <p>20 Corporation products?</p> <p>21 A. No.</p> <p>22 Q. Did you do any research on TruePosition</p> <p>23 Corporation products?</p> <p>24 A. No.</p>

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<p style="text-align: right;">Page 10</p> <p>1 (WHEREUPON, a certain document was 2 marked Plaintiff's Deposition 3 Exhibit No. 494, for 4 identification, as of 1/22/07.) 5 BY MR. GOETTLE: 6 Q. Dr. Perry, the court reporter just 7 handed you what's been marked as Exhibit 494. Do 8 you recognize Exhibit 494? 9 A. Yes. It's my rebuttal report -- or, 10 more specifically, Rebuttal Expert Report. Sorry. 11 Q. Were there any drafts of this report 12 that culminated into this final report? 13 A. I was -- I took notes along the way 14 that were -- were preparatory for making this 15 report, yes. 16 Q. When you made this report, were 17 there drafts of this report, or did you make the 18 final report at one time? 19 A. I made the final report at one time. 20 Q. And what did you do with the final 21 report after you had made it? 22 A. I sent it to Kirkland &amp; Ellis. 23 Q. And did Kirkland &amp; Ellis edit the 24 report --</p>	<p style="text-align: right;">Page 12</p> <p>1 A. No. 2 Q. Do you know who Mr. Wayne Hoeberlein 3 is? 4 A. No. 5 Q. Did you have any conversations with 6 Mr. Wayne Hoeberlein? 7 A. No. 8 Q. Are you aware that Dr. Goodman 9 submitted a non-Infringement expert report in this 10 matter? 11 A. No. 12 Q. Are you aware that Dr. Goodman 13 submitted an invalidity report in this matter? 14 A. I know that they had an expert witness 15 that did do those things, but I didn't -- I don't 16 know who it was. 17 Q. Did you read -- 18 A. No. 19 Q. -- Dr. Goodman's invalidity report? 20 A. No. 21 Q. And you didn't read Dr. Goodman's 22 non-infringement report? 23 A. No. 24 Q. Sir, if I could, can I direct your</p>
<p style="text-align: right;">Page 11</p> <p>1 A. They -- 2 Q. -- or provide you -- 3 A. They added some of the legal -- some of 4 the legal things to it that -- that I, as an 5 expert, did not have. 6 Q. Could you tell me what legal things 7 you're referring to? 8 A. I had -- it was basically the 9 paragraph 6 of -- about the exhibits and my 10 compensation and so forth and my -- my testimony. 11 Q. Dr. Perry, when you were taking notes 12 along the way in developing your report, did you 13 talk with Ms. Waldron? 14 A. Yes. I did. 15 Q. Did you talk with any other attorneys 16 here at Kirkland &amp; Ellis? 17 A. I don't think so. 18 Q. Did you talk with any employees of 19 Andrew Corporation? 20 A. No. 21 Q. Do you know who Dr. David Goodman is? 22 A. No. 23 Q. So you had no conversations with 24 Dr. Goodman?</p>	<p style="text-align: right;">Page 13</p> <p>1 attention to Exhibit B of your report. 2 A. Um-hum. Okay. 3 Q. And these are materials that you 4 considered in drafting and writing your report? 5 A. Yes. They were materials that were 6 made available to me that I did look at. 7 Q. In forming your opinion, did you rely 8 on any materials that aren't listed in Exhibit B? 9 A. No. 10 Q. Did Andrew Corporation ever -- or 11 excuse me. 12 Did Andrew Corporation or Kirkland &amp; 13 Ellis attorneys ever give you a budget or a target 14 time frame in which to complete your report? 15 A. No. 16 Q. How much time would you say you've 17 spent? 18 MS. KAPPLIN: Objection, vague. 19 BY THE WITNESS: 20 A. I should be able to remember what the 21 bill was, but I don't. I spent six days plus 22 other time. I just don't remember. 23 BY MR. GOETTLE: 24 Q. About a hundred hours? Does that sound</p>

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<p style="text-align: right;">Page 14</p> <p>1 about right?</p> <p>2 A. Something like that.</p> <p>3 Q. And you personally drafted the report?</p> <p>4 A. Yes.</p> <p>5 Q. That's correct?</p> <p>6 Did you have any staff helping you in</p> <p>7 your study of the source code or in drafting the</p> <p>8 report?</p> <p>9 A. No.</p> <p>10 Q. Does the report provide a complete</p> <p>11 basis for your opinion?</p> <p>12 A. Yes.</p> <p>13 Q. So you consider that -- the report as</p> <p>14 complete?</p> <p>15 A. I'm not sure what you mean by</p> <p>16 "complete."</p> <p>17 Q. Well, sure. If I could direct your</p> <p>18 attention to paragraph 1, the last sentence,</p> <p>19 you indicate that it's your opinion "that</p> <p>20 TruePosition's commercial products do not practice</p> <p>21 the algorithms claimed." Correct?</p> <p>22 A. Yes.</p> <p>23 Q. Is there anything in the report that</p> <p>24 you would want to add to show fully your opinion</p>	<p style="text-align: right;">Page 16</p> <p>1 and I apologize if I'm repeating -- but you didn't</p> <p>2 talk to any employees of Andrew Corporation while</p> <p>3 you were developing your opinion?</p> <p>4 A. No.</p> <p>5 Q. Do you know of any Andrew employees?</p> <p>6 MS. KAPPLIN: Objection --</p> <p>7 BY THE WITNESS:</p> <p>8 A. Not --</p> <p>9 MS. KAPPLIN: -- vague.</p> <p>10 THE WITNESS: Sorry.</p> <p>11 BY THE WITNESS:</p> <p>12 A. Not that I know of.</p> <p>13 BY MR. GOETTLE:</p> <p>14 Q. Do you know Dr. Oded Gottesman?</p> <p>15 A. I know the name. I don't know him.</p> <p>16 Q. Are you aware that -- It appears</p> <p>17 that Dr. Gottesman and you were at the Bell</p> <p>18 Laboratories in Murray Hill for about an</p> <p>19 overlapping year or two.</p> <p>20 A. I was not aware of that.</p> <p>21 Q. Did you read Dr. Gottesman's report?</p> <p>22 A. Yes, I did. Sorry. Yes, I did.</p> <p>23 Q. Does Dr. Gottesman's report address how</p> <p>24 TruePosition's commercial products practice the</p>
<p style="text-align: right;">Page 15</p> <p>1 that True -- TruePosition's commercial products do</p> <p>2 not practice the algorithms of the patent?</p> <p>3 A. I'm not sure what you mean by -- well,</p> <p>4 I'm not sure about the term "fully."</p> <p>5 Q. I see. All right.</p> <p>6 A. So, I mean, can we repeat --</p> <p>7 Q. Let me try it a different way.</p> <p>8 A. Okay.</p> <p>9 Q. Are you happy with the report?</p> <p>10 A. Yes.</p> <p>11 Q. Does it set out everything that you</p> <p>12 think it needs to set out in order to show that</p> <p>13 TruePosition's commercial products do not practice</p> <p>14 the algorithms of the patent?</p> <p>15 A. Yes.</p> <p>16 Q. Is there anything in the report that</p> <p>17 you would like to change?</p> <p>18 A. No.</p> <p>19 Q. Is there anything you'd like to delete?</p> <p>20 A. No, not that I -- not that I know of.</p> <p>21 Q. Is there anything you would like to</p> <p>22 add?</p> <p>23 A. Not that I know of.</p> <p>24 Q. Okay. I believe I asked you this --</p>	<p style="text-align: right;">Page 17</p> <p>1 algorithms claimed in the '144 patent?</p> <p>2 A. I believe he does make those claims,</p> <p>3 yes.</p> <p>4 Q. Do you have an understanding one way or</p> <p>5 the other of whether Andrew's Geometrix products</p> <p>6 infringe any claims of the '144 patent?</p> <p>7 MS. KAPPLIN: Objection.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I have --</p> <p>10 MS. KAPPLIN: Calls for a legal conclusion.</p> <p>11 THE WITNESS: Sorry.</p> <p>12 MS. KAPPLIN: Vague.</p> <p>13 BY THE WITNESS:</p> <p>14 A. I have no understanding about Andrew at</p> <p>15 all.</p> <p>16 BY MR. GOETTLE:</p> <p>17 Q. Have you ever heard of an entity called</p> <p>18 Saudi Telecom?</p> <p>19 A. I believe it was mentioned in -- in one</p> <p>20 of the -- one of the reports I looked at. I think</p> <p>21 it was probably the expert report of -- of Carla</p> <p>22 Mulhern.</p> <p>23 Q. Other than the mention in Ms. Mulhern's</p> <p>24 report, have you ever heard of Saudi Telecom?</p>

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<p style="text-align: right;">Page 18</p> <p>1 A. No.</p> <p>2 Q. Have you ever heard of an entity called</p> <p>3 Q-Tel?</p> <p>4 A. No.</p> <p>5 Q. Do you know why Andrew Corporation</p> <p>6 wanted you to proffer an opinion regarding whether</p> <p>7 TruePosition's commercial products practice the</p> <p>8 '144 patent?</p> <p>9 MS. KAPPLIN: Objection, calls for</p> <p>10 speculation.</p> <p>11 BY THE WITNESS:</p> <p>12 A. Sorry. No, I don't.</p> <p>13 BY MR. GOETTLE:</p> <p>14 Q. So what -- what is your understanding</p> <p>15 of the purpose of your report?</p> <p>16 A. Well, as it -- as it mentions in the</p> <p>17 first paragraph, it's a -- it's submitted as a</p> <p>18 rebuttal -- well, sorry, not -- maybe not the</p> <p>19 first paragraph. Yes. As a rebuttal, "expressed</p> <p>20 in Carla Mulhern's report that TruePosition is</p> <p>21 practicing the '144 patent."</p> <p>22 Q. Did you read Ms. Mulhern's report?</p> <p>23 A. Yes, I did.</p> <p>24 Q. Do you have an understanding of why</p>	<p style="text-align: right;">Page 20</p> <p>1 A. I have no way of knowing.</p> <p>2 Q. Do you consider your -- yourself an</p> <p>3 expert on patent damages?</p> <p>4 A. "Patent damages"? No, I don't think</p> <p>5 so.</p> <p>6 Q. Do you have a working knowledge of</p> <p>7 patent damages?</p> <p>8 MS. KAPPLIN: Objection, vague.</p> <p>9 BY THE WITNESS:</p> <p>10 A. I don't know what you mean by "working</p> <p>11 knowledge."</p> <p>12 BY MR. GOETTLE:</p> <p>13 Q. Well, I had asked you if you thought</p> <p>14 your -- you were an expert, but that's probably</p> <p>15 not a great question.</p> <p>16 And so I'm trying to get out if you</p> <p>17 have some sort of lesser degree of familiarity</p> <p>18 with patent damages.</p> <p>19 A. That's very, very broad. I mean, for</p> <p>20 instance, I own RIMM stock, and I'm very familiar</p> <p>21 with patent damages relative to RIMM because it</p> <p>22 sunk the stock for a while, so...</p> <p>23 Q. Yes. Good.</p> <p>24 Do you -- do you have a familiarity</p>
<p style="text-align: right;">Page 19</p> <p>1 Andrew believes it's relevant that TruePosition's</p> <p>2 commercial products do not practice the algorithms</p> <p>3 claimed in the '144 patent?</p> <p>4 A. Do you mean do I have a belief of it or</p> <p>5 do I know?</p> <p>6 Q. Do you know?</p> <p>7 A. I don't know.</p> <p>8 Q. Do you have a belief?</p> <p>9 A. Yes.</p> <p>10 Q. Could you tell me what that is, sir?</p> <p>11 A. That if they're not -- if TruePosition</p> <p>12 is not practicing its own patent, then that is</p> <p>13 probably not in their favor in terms of a damage</p> <p>14 report -- I mean damages.</p> <p>15 Q. What forms the basis for that belief?</p> <p>16 A. Just intuition.</p> <p>17 Q. Did Ms. Waldron say anything that may</p> <p>18 have led you to that belief?</p> <p>19 A. No.</p> <p>20 Q. Did you do any research into that</p> <p>21 issue?</p> <p>22 A. No.</p> <p>23 Q. Do you know whether that belief is</p> <p>24 correct?</p>	<p style="text-align: right;">Page 21</p> <p>1 with how patent damages are calculated?</p> <p>2 MS. KAPPLIN: Objection, overbroad, vague.</p> <p>3 BY THE WITNESS:</p> <p>4 A. No.</p> <p>5 BY MR. GOETTLE:</p> <p>6 Q. Do you -- do you have a familiarity for</p> <p>7 how a reasonable royalty as patent damages will be</p> <p>8 calculated?</p> <p>9 A. No.</p> <p>10 Q. Do you have a familiarity on how lost</p> <p>11 profits for patent damages will be calculated?</p> <p>12 MS. KAPPLIN: Objection, vague.</p> <p>13 BY THE WITNESS:</p> <p>14 A. No.</p> <p>15 BY MR. GOETTLE:</p> <p>16 Q. Have you ever heard of the case,</p> <p>17 Panduit Corp. v. Stahl Brothers?</p> <p>18 A. No.</p> <p>19 Q. Do you -- do you have any familiarity</p> <p>20 with factors that might be used in calculat- --</p> <p>21 calculating lost profits?</p> <p>22 MS. KAPPLIN: Objection, vague, overbroad.</p> <p>23 BY THE WITNESS:</p> <p>24 A. No.</p>

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<p style="text-align: right;">Page 22</p> <p>1 BY MR. GOETTLE:</p> <p>2 Q. Do you have any familiarity with the</p> <p>3 test for calculating damages in a two-supplier</p> <p>4 market?</p> <p>5 MS. KAPPLIN: Objection, vague.</p> <p>6 BY THE WITNESS:</p> <p>7 A. No.</p> <p>8 BY MR. GOETTLE:</p> <p>9 Q. Have you ever heard or read of a case</p> <p>10 called Micro Chemical v. Lextron?</p> <p>11 MS. KAPPLIN: Objection, vague, and compound.</p> <p>12 BY THE WITNESS:</p> <p>13 A. No.</p> <p>14 BY MR. GOETTLE:</p> <p>15 Q. Is it your belief that TruePosition</p> <p>16 must practice the algorithms of the patent in</p> <p>17 order to be entitled to damages?</p> <p>18 MS. KAPPLIN: Objection, vague. It calls for</p> <p>19 a legal conclusion.</p> <p>20 BY THE WITNESS:</p> <p>21 A. I have no belief at all about that.</p> <p>22 BY MR. GOETTLE:</p> <p>23 Q. Have you ever heard of a case called</p> <p>24 Rite-Hite v. Kelley Company?</p>	<p style="text-align: right;">Page 24</p> <p>1 invalidity, rebuttals to non-infringement.</p> <p>2 Q. I take it you were retained, then, by</p> <p>3 DDB?</p> <p>4 A. Yes. Sorry.</p> <p>5 Q. Oh, that's okay.</p> <p>6 A. The Touchcom/Hollidge litigation, I was</p> <p>7 for -- retained by Dresser, the defendant, and</p> <p>8 argued for the invalidity of the patent,</p> <p>9 successfully.</p> <p>10 Q. And that patent -- or strike that.</p> <p>11 The claims in that patent on which your</p> <p>12 opinion would address -- was addressed were means</p> <p>13 plus function claims, is that correct?</p> <p>14 A. Yes.</p> <p>15 LM -- sorry.</p> <p>16 Q. No, no, that's okay. I actually --</p> <p>17 A. Right.</p> <p>18 Q. -- think I hadn't actually specifically</p> <p>19 asked you the question, but --</p> <p>20 A. Right.</p> <p>21 Q. -- please. LML?</p> <p>22 A. Okay. LML v. TeleCheck, there were</p> <p>23 actually two cases there.</p> <p>24 One was LML v. TeleCheck, in which I was</p>
<p style="text-align: right;">Page 23</p> <p>1 A. No.</p> <p>2 Q. And never read the case?</p> <p>3 A. No.</p> <p>4 Q. So you haven't formed an opinion on</p> <p>5 whether your report is actually relevant to the</p> <p>6 case of TruePosition v. Andrew?</p> <p>7 MS. KAPPLIN: Objection, vague, overbroad,</p> <p>8 calls for a legal conclusion.</p> <p>9 BY THE WITNESS:</p> <p>10 A. How do I answer that? On the one hand,</p> <p>11 no.</p> <p>12 BY MR. GOETTLE:</p> <p>13 Q. Sir, could I direct your attention to</p> <p>14 paragraph 6 of your report --</p> <p>15 A. Um-hum.</p> <p>16 Q. -- which is your -- particularly to the</p> <p>17 first sentence, where it talks about prior expert</p> <p>18 testimony.</p> <p>19 A. Yes.</p> <p>20 Q. Do you think you could just generally</p> <p>21 tell me what your opinion or testimony in DDB v.</p> <p>22 MLBAM was about?</p> <p>23 A. It was about infringement of MLBAM onto</p> <p>24 DDB's -- DDB -- DDB's patents, the rebuttal to</p>	<p style="text-align: right;">Page 25</p> <p>1 retained by TeleCheck to show that their code did</p> <p>2 not -- as -- as a rebuttal to LML's claim of</p> <p>3 infringement, to show that the code did not</p> <p>4 infringe, according to their expert's opinion.</p> <p>5 And then, in the -- in the countersuit</p> <p>6 of TeleCheck v. LML, to look at LML's code to show</p> <p>7 that -- to find out and show where it did infringe</p> <p>8 on TeleCheck's patents.</p> <p>9 Q. I see. Am I correct, then, that both</p> <p>10 parties had infringement claims against the other</p> <p>11 party?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know which states that -- that</p> <p>14 suit is in?</p> <p>15 A. Oh, it was -- it was settled shortly</p> <p>16 after I finished looking at the code. It was</p> <p>17 settled out of court.</p> <p>18 Q. Did you write an opinion in that case?</p> <p>19 A. I wrote an opinion for the first suit,</p> <p>20 and -- but before I could write an opinion for the</p> <p>21 second suit, it was settled.</p> <p>22 Q. And did you write an opinion in DDB --</p> <p>23 DDB v. Major League Baseball?</p> <p>24 A. Yes.</p>

7 (Pages 22 to 25)

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<p style="text-align: right;">Page 26</p> <p>1 Q. And who is Hollidge?</p> <p>2 A. I think Hollidge was the person who had</p> <p>3 the patent.</p> <p>4 Q. He was the inventor?</p> <p>5 A. Yes. Ironically, he was working for</p> <p>6 Dresser at the time he filed the suit.</p> <p>7 Q. Are there any other cases in which</p> <p>8 you've been an expert that aren't listed in</p> <p>9 paragraph 6?</p> <p>10 A. Yes.</p> <p>11 Q. Involving -- any of those cases</p> <p>12 involving patent litigation?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know why they're not listed in</p> <p>15 paragraph 6?</p> <p>16 A. I did not -- have not done any</p> <p>17 depositions in those cases.</p> <p>18 Q. Did you write any reports in those</p> <p>19 cases?</p> <p>20 A. Not yet.</p> <p>21 Q. But you anticipate writing reports in</p> <p>22 those cases?</p> <p>23 A. Yes.</p> <p>24 Q. How many cases are there?</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. -- have you been asked to proffer your</p> <p>2 opinion regarding whether a party is practicing</p> <p>3 the patent -- the party that owns the patent is</p> <p>4 practicing the patent?</p> <p>5 Did you understand my question? It</p> <p>6 wasn't very good.</p> <p>7 A. Yeah. Try -- try -- please try again.</p> <p>8 Q. Sure. In any of the three cases --</p> <p>9 scratch that.</p> <p>10 In any of the six cases, the three that</p> <p>11 are listed in paragraph 6 and the three others</p> <p>12 that aren't listed in paragraph 6, have you been</p> <p>13 asked to proffer an opinion regarding whether the</p> <p>14 assignee of the patent is practicing the patent?</p> <p>15 A. No.</p> <p>16 Wait a minute. Re- -- please repeat</p> <p>17 the question again.</p> <p>18 Q. Sure.</p> <p>19 A. Sorry.</p> <p>20 Q. I guess, first of all, I'm trying to</p> <p>21 narrow in the boxes. I don't want to talk about</p> <p>22 people infringing a patent.</p> <p>23 A. Okay. So --</p> <p>24 Q. Certainly --</p>
<p style="text-align: right;">Page 27</p> <p>1 A. I think three. It's -- one -- one is</p> <p>2 not clear. There -- a long time, nothing has</p> <p>3 happened, so I don't know what the state of the</p> <p>4 case is.</p> <p>5 Q. Do you know how Ms. Waldron had your</p> <p>6 name to call you initially in this matter?</p> <p>7 MS. KAPPLIN: Objection, speculation.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I -- I don't know.</p> <p>10 BY MR. GOETTLE:</p> <p>11 Q. Have you been an expert in other cases</p> <p>12 where Kirkland is representing a party?</p> <p>13 A. Yes. It was in the LML v. TeleCheck.</p> <p>14 Kirkland &amp; Ellis represented TeleCheck -- I mean,</p> <p>15 represented LML, sorry. Fish &amp; Richardson</p> <p>16 represented TeleCheck.</p> <p>17 Q. Okay. Are any of the three cases that</p> <p>18 aren't listed in paragraph 6, do they have</p> <p>19 Kirkland &amp; Ellis attorneys on -- representing a</p> <p>20 party?</p> <p>21 A. Not that I know of.</p> <p>22 Q. In the cases that are listed on</p> <p>23 paragraph 6 --</p> <p>24 A. Um-hum.</p>	<p style="text-align: right;">Page 29</p> <p>1 A. So you're --</p> <p>2 Q. -- those people would be practicing the</p> <p>3 patent.</p> <p>4 A. Right. That's --</p> <p>5 Q. But they wouldn't be the assignees of</p> <p>6 the patent.</p> <p>7 A. Okay. Sorry. That -- that -- that was</p> <p>8 what -- all of a sudden, afterwards, I thought,</p> <p>9 "Oops." Okay. Yes.</p> <p>10 Q. I'm not trying to --</p> <p>11 A. So you're not trying to -- you're not</p> <p>12 talking about the infringing --</p> <p>13 Q. Exactly.</p> <p>14 A. Okay. Yes.</p> <p>15 Q. And so your answer is the same?</p> <p>16 A. The answer is the same.</p> <p>17 Q. Have you ever had any of your reports</p> <p>18 or testimony excluded by a court?</p> <p>19 MS. KAPPLIN: Objection, compound.</p> <p>20 BY THE WITNESS:</p> <p>21 A. Not that I know of.</p> <p>22 BY MR. GOETTLE:</p> <p>23 Q. Have -- has any of your testimony been</p> <p>24 discredited by a court -- a court?</p>

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<p style="text-align: right;">Page 30</p> <p>1 A. No.</p> <p>2 Q. Have you ever worked on behalf of</p> <p>3 Andrew Corporation previously?</p> <p>4 A. Not to my knowledge.</p> <p>5 Q. So it was mid October, 2006, was the</p> <p>6 first time you went out to look at TruePosition's</p> <p>7 source code, right?</p> <p>8 A. Yes.</p> <p>9 Q. And I believe you indicated there were</p> <p>10 about a half a dozen trips altogether out to --</p> <p>11 A. There were four trips, about half a</p> <p>12 dozen days.</p> <p>13 Q. Oh, I see. Some of those days were</p> <p>14 more than -- some of those trips were more than</p> <p>15 one day?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Did you rely on anything besides</p> <p>18 the source code in forming your opinion?</p> <p>19 MS. KAPPLIN: Objection, vague and overbroad.</p> <p>20 BY THE WITNESS:</p> <p>21 A. Part of that depends on what you mean</p> <p>22 by "source code."</p> <p>23 BY MR. GOETTLE:</p> <p>24 Q. Okay. Did -- did you rely on anything</p>	<p style="text-align: right;">Page 32</p> <p>1 "November 14, 2006" --</p> <p>2 MR. GOETTLE: Yeah. I was --</p> <p>3 MS. KAPPLIN: -- "Deposition of Rob</p> <p>4 Anderson."</p> <p>5 MR. GOETTLE: I was kind of pausing there</p> <p>6 because I thought --</p> <p>7 THE WITNESS: I have a time warp machine.</p> <p>8 MR. GOETTLE: Although it could be 2005,</p> <p>9 right? It feels like it's been going on forever.</p> <p>10 MS. KAPPLIN: I believe it's a November 14,</p> <p>11 2006 deposition of Rob Anderson.</p> <p>12 THE WITNESS: That -- that may be true for</p> <p>13 you, but not for me.</p> <p>14 BY MR. GOETTLE:</p> <p>15 Q. So I had asked you if you relied on</p> <p>16 anything aside from the source code, and you had</p> <p>17 said, well, you've relied on the algorithms of the</p> <p>18 patent and the files and the source code on the</p> <p>19 computer that's in escrow.</p> <p>20 A. Yes.</p> <p>21 Q. Did you also rely on the deposition</p> <p>22 testimony of Mr. Anderson?</p> <p>23 A. What do you mean by "rely on"?</p> <p>24 Q. Maybe I can tell you what I mean by</p>
<p style="text-align: right;">Page 31</p> <p>1 besides the code on the computer in escrow at</p> <p>2 Iron Mountain in forming your opinion?</p> <p>3 MS. KAPPLIN: Objection, vague and overbroad.</p> <p>4 BY THE WITNESS:</p> <p>5 A. The -- the two things I relied on were</p> <p>6 the algorithm described in the patent and the</p> <p>7 files found in the TruePosition releases at</p> <p>8 Iron Mountain.</p> <p>9 BY MR. GOETTLE:</p> <p>10 Q. Oh, I see. The files that were on the</p> <p>11 computer but weren't source code?</p> <p>12 A. Right.</p> <p>13 Q. Right.</p> <p>14 I noticed in Exhibit B that you</p> <p>15 reference Mr. Anderson's testimony in November</p> <p>16 2006. Back -- sorry. Why don't we turn to</p> <p>17 Exhibit B.</p> <p>18 If I could direct your attention to</p> <p>19 paragraph 6 of Exhibit B --</p> <p>20 A. Yes.</p> <p>21 Q. -- it says "November 14, 2005</p> <p>22 Deposition of Rob Anderson."</p> <p>23 A. Right.</p> <p>24 MS. KAPPLIN: It should probably read</p>	<p style="text-align: right;">Page 33</p> <p>1 "rely on" --</p> <p>2 A. Okay.</p> <p>3 Q. -- by just answering --</p> <p>4 A. Okay.</p> <p>5 Q. -- asking you a more specific question.</p> <p>6 A. Okay.</p> <p>7 Q. For example, Mr. Anderson testified and</p> <p>8 was asked to write down his understanding of a</p> <p>9 correlation function.</p> <p>10 A. Okay.</p> <p>11 Q. So my question is: Did you compare the</p> <p>12 files or the source code on the computer that's at</p> <p>13 Iron Mountain with his exhibit that shows the</p> <p>14 correlation function that he drafted?</p> <p>15 A. No, I didn't.</p> <p>16 Q. Did you review his testimony as a way</p> <p>17 to understand the files or the source code on the</p> <p>18 computer at Iron Mountain?</p> <p>19 A. I did read his report. I don't recall</p> <p>20 them providing me a better understanding than</p> <p>21 I already had.</p> <p>22 Q. When you say "his report," we mean his</p> <p>23 testimony --</p> <p>24 A. The deposition. Sorry.</p>

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<p style="text-align: right;">Page 34</p> <p>1 Q. Okay. No, I figured that's what you 2 meant. Okay. 3 Dr. Perry, do you know what claims of 4 the '144 patent TruePosition is alleging that 5 Andrew infringes? 6 A. Excuse me. No. 7 Q. Sir, if I could direct your attention 8 to Exhibit 474, which is your report. 9 A. Um-hum. 10 THE COURT REPORTER: 494. 11 MR. GOETTLE: I'm sorry? 12 THE COURT REPORTER: 494. 13 MR. GOETTLE: 494. 14 BY MR. GOETTLE: 15 Q. 494, excuse me. Exhibit 494 -- 16 A. Right. 17 Q. -- which is your report. 18 Paragraph 1 at the last sentence says: 19 "Based on my review of TruePosition's 20 source code, it is my opinion that 21 TruePosition's commercial products do not 22 practice the algorithms claimed in the 23 '144 patent." 24 A. Yes.</p>	<p style="text-align: right;">Page 35</p> <p>1 algorithms claimed in the '144 patent, correct? 2 A. Yes. 3 Q. So don't you need to know what 4 algorithms are claimed in order to render that 5 opinion? 6 A. I -- it's my understanding that what 7 I need to understand are the algorithms disclosed 8 in the patent, say, in Figures 7 through 8, and 9 their discussion of them in the preferred 10 embodiment. 11 Q. Okay. 12 A. Presumably, they're there because 13 they're claimed. 14 Q. In the Dresser case, you -- you offered 15 expert testimony regarding means plus function 16 claims. 17 A. Yes. 18 Q. Do you have an understanding of how to 19 construe means plus function claims? 20 MS. KAPPLIN: Objection, overbroad, vague, 21 and calls for a legal conclusion. 22 BY THE WITNESS: 23 A. It's my understanding that for -- 24 for the means claimed there, there has to be a</p>
<p style="text-align: right;">Page 36</p> <p>1 Q. Now, if I could get you to re- -- 2 refer to Exhibit 493, which is the '144 patent -- 3 A. Um-hum. 4 Q. -- I would like to know which claims 5 claim the algorithms in the '144 patent. 6 MS. KAPPLIN: Objection, calls for a legal 7 conclusion. 8 BY THE WITNESS: 9 A. I don't know. I didn't pay attention 10 to the claims. It was -- it was not my job to pay 11 attention to the claims. 12 BY MR. GOETTLE: 13 Q. I'm a little confused. Don't you need 14 to know what algorithms are claimed in order to 15 render an opinion regarding whether TruePosition's 16 products practice those algorithms that are 17 claimed? 18 MS. KAPPLIN: Objection, confusing. 19 BY MR. GOETTLE: 20 Q. Was that a confusing sentence -- 21 question? Because I'll rephrase it if it is. 22 A. Yes, it was confusing. 23 Q. Okay. It's your opinion that 24 TruePosition's commercial products do not practice</p>	<p style="text-align: right;">Page 37</p> <p>1 function corresponding to that means. 2 BY MR. GOETTLE: 3 Q. And where is that function? 4 MS. KAPPLIN: Objection, calls for a legal 5 conclusion. 6 BY THE WITNESS: 7 A. That function is in the patent, in the 8 algorithms. 9 BY MR. GOETTLE: 10 Q. Did you ever read the claims of the 11 '144 patent? 12 A. I think I did read the claims. 13 Q. Did anybody tell you that the 14 algorithms of the patent are claimed -- 15 MS. KAPPLIN: Objection, vague. 16 BY MR. GOETTLE: 17 Q. (Continuing) -- by one or more claims 18 of the '144 patent? 19 A. I'm sorry. Would you please repeat the 20 question. 21 Q. Yes. Did anybody ever tell you that 22 the algorithms of the patent are claimed in the 23 patent? 24 A. Nobody told me that, no.</p>

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<p style="text-align: right;">Page 38</p> <p>1 Q. That was your understanding?</p> <p>2 A. That would be my understanding, yes.</p> <p>3 Q. Could we turn our attention to</p> <p>4 paragraph 3 of Exhibit 494.</p> <p>5 A. Okay.</p> <p>6 Q. Could you read the first sentence of</p> <p>7 paragraph 3 into the record.</p> <p>8 A. "I understand that TruePosition's</p> <p>9 technical expert witness Oded Gottesman</p> <p>10 refers to Figures 7 and 8A through 8D</p> <p>11 of the '144 patent as representing the</p> <p>12 patent's algorithm for processing data</p> <p>13 to identify individual cellular</p> <p>14 telephone signals."</p> <p>15 Q. Did you -- have you read</p> <p>16 Dr. Gottesman's report?</p> <p>17 A. Yes.</p> <p>18 (WHEREUPON, a certain document was</p> <p>19 marked Plaintiff's Deposition</p> <p>20 Exhibit No. 495, for</p> <p>21 identification, as of 1/22/07.)</p> <p>22 BY MR. GOETTLE:</p> <p>23 Q. Dr. Perry, the court reporter has just</p> <p>24 handed you Exhibit 495. Do you recognize</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Right.</p> <p>2 Q. -- and compare that to Exhibit 493,</p> <p>3 which is the patent, at column 20, which is</p> <p>4 Claim 1 --</p> <p>5 A. Okay.</p> <p>6 Q. -- would you agree that Dr. Gottesman's</p> <p>7 paragraph at E.2.1.3 in boldface where it begins,</p> <p>8 "First Clause of Claim 1, colon," that what</p> <p>9 follows that colon that's quoted is the same as</p> <p>10 what's in the patent at column 20, lines 4 through</p> <p>11 7?</p> <p>12 A. Yes.</p> <p>13 Q. So, in other words, Dr. Gottesman is</p> <p>14 quoting the claim --</p> <p>15 A. Yes.</p> <p>16 Q. -- or a portion of the claim?</p> <p>17 And then, if I can get you to flip to</p> <p>18 the next page -- excuse me -- to page 32, at</p> <p>19 E.2.1.4.</p> <p>20 A. Yes.</p> <p>21 Q. Okay. There's a quotation of Claim 1,</p> <p>22 subparagraph (a). Do you agree with that?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Since I know that you get the</p>
<p style="text-align: right;">Page 39</p> <p>1 Exhibit 495?</p> <p>2 A. Yes.</p> <p>3 Q. What is it?</p> <p>4 A. The Expert Report of Oded Gottesman.</p> <p>5 Q. Do you know where in Exhibit 495</p> <p>6 Dr. Gottesman refers to Figures 7 and 8A through</p> <p>7 8D as representing the '144 patent's algorithm for</p> <p>8 processing data to identify individual cellular</p> <p>9 telephone signals?</p> <p>10 A. I don't remember where it is.</p> <p>11 Q. Sir, could I direct your attention to</p> <p>12 page 30 of Exhibit 495.</p> <p>13 What I'd like to do is just -- just to</p> <p>14 make sure that you and I are on the same</p> <p>15 page about what pages 30 and some pages following</p> <p>16 that are, I just wanted to compare Exhibit 495 at</p> <p>17 page 30 for the next few pages with the patent</p> <p>18 claims so that you can -- just so you can follow</p> <p>19 my questioning.</p> <p>20 What I would like to show you is that</p> <p>21 Dr. Gottesman is quoting particular portions of</p> <p>22 Claim 1 of the '144 patent.</p> <p>23 A. Um-hum.</p> <p>24 Q. So if you look at paragraph E.2.1.3 --</p>	<p style="text-align: right;">Page 41</p> <p>1 gist of what I'm trying to do, we can just skip to</p> <p>2 the punch.</p> <p>3 A. Okay.</p> <p>4 Q. If you could flip to page 36.</p> <p>5 Do you see at the second bullet where</p> <p>6 it begins -- the second bullet where there's</p> <p>7 boldface type and a quotation that begins "means</p> <p>8 for processing"?</p> <p>9 A. Yes.</p> <p>10 Q. And that corresponds to the '144</p> <p>11 patent's Claim 1 under subparagraph (b) at about</p> <p>12 line 26. Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Would you please read that</p> <p>15 paragraph into the record that begins "means for</p> <p>16 processing."</p> <p>17 A. "Means for processing said frames</p> <p>18 of data from said cell site systems to</p> <p>19 generate a table identifying individual</p> <p>20 cellular telephone signals and the</p> <p>21 differences in times of arrival of said</p> <p>22 cellular telephone signals among said</p> <p>23 cell...systems."</p> <p>24 Q. Now, in what can only be called a</p>

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<p style="text-align: right;">Page 42</p> <p>1 confusing juggling match, would you please refer 2 to page -- or to paragraph 3 of your report, 3 Exhibit 494. 4 You state that Dr. Gottesman refers to 5 Figures 7 and 8A to 8D "as representing the 6 patent's algorithm for processing data to identify 7 individual cellular telephone signals." 8 A. Yes. 9 Q. Right? 10 In that portion that you just read into 11 the record, where does it say "processing data to 12 identify individual cellular telephone signals"? 13 A. Well, it doesn't say it directly. It 14 says it in the context as part of the -- the -- 15 that claim. 16 Q. Would you agree with me that that 17 portion that you read into the record is more 18 narrow than "processing data to identify 19 individual cellular telephone signals"? 20 MS. KAPPLIN: Objection, calls for a legal 21 conclusion, vague. 22 BY THE WITNESS: 23 A. I have -- I don't have an opinion on 24 that.</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Yes. In fact, here on page 36, it 2 talks about "Figures 7, and portions 8A and 8B," 3 for instance, specifically. 4 Q. Actually, would you mind reading that 5 sentence that you were just referring to into the 6 record that begins "The algorithm." 7 A. Okay. 8 "The algorithm in the patent that 9 performs this function is described 10 connection with" -- sorry. 11 Q. Start from the beginning. 12 A. There's something missing there, yes. 13 Let me start over. 14 Q. Sure. 15 A. "The algorithm in the patent that 16 performs this function is described 17 connection with portions of Figures 7, 18 and portions of 8A and 8B which are 19 nicely summarized in the portion" 7 -- 20 "of Figure 7 through" the "TDOA 21 calculations." 22 Q. What portions of Figure 7 and portions 23 of 8A and 8B does Dr. Gottesman believe represent 24 the algorithms in the patent performing the</p>
<p style="text-align: right;">Page 43</p> <p>1 BY MR. GOETTLE: 2 Q. You don't? 3 A. No. 4 Q. What's your understanding of the 5 meaning of "processing data to identify individual 6 cellular telephone signals"? 7 A. There is an algorithm that uses that 8 data, and it uses it to identify individual 9 telephone signals. 10 Q. What algorithms are those? 11 A. Those are the ones that are referred to 12 in Figures 7 and 8A through 8D and then -- and 13 then described in detail in the preferred 14 embodiment. 15 Q. In your report, Exhibit 494, 16 paragraph 3, you state that it's your 17 understanding -- excuse me. 18 It's your understanding "that 19 TruePosition's technical expert witness Oded 20 Gottesman refers to Figures 7 and 8A to 8D of the 21 '144 patent." 22 A. Yes. 23 Q. And I presume that that understanding 24 comes from Dr. Gottesman's expert report?</p>	<p style="text-align: right;">Page 45</p> <p>1 function? 2 A. It would be the first four elements on 3 Figure 7, up through where it says "Calculate TDOA 4 Data." I assume that's what he meant. 5 Q. Is that it -- is that what you assumed 6 he meant when you wrote your opinion? 7 A. Well, he goes on -- yes. Sorry. Yes. 8 Q. Am I correct that -- that this means for 9 processing limitation that you read into the 10 record, am I correct that this is the function 11 that -- strike that. 12 Am I correct that this means for 13 processing limitation that you read into the 14 record is the function that you're referring to in 15 paragraph 3 where you state that -- state "the 16 patent's algorithm for processing data to identify 17 individual cellular telephone signals"? 18 A. I'm sorry. Would you repeat that? 19 Q. Sure. That was -- as I was saying it, 20 I realized it wasn't well articulated. 21 Okay. So in paragraph 3 of your 22 report, you refer to some figures in the patent 23 "as representing the patent's algorithm for 24 processing data to identify individual cellular</p>

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<p style="text-align: right;">Page 46</p> <p>1 telephone signals." Okay?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And then, in paragraph 1, you</p> <p>4 state that it's your opinion "that TruePosition's</p> <p>5 commercial products do not practice the algorithms</p> <p>6 claimed."</p> <p>7 So I'm trying to figure out what claim</p> <p>8 or what claim element you're referring to in your</p> <p>9 report, and my -- so my question is: Is this</p> <p>10 means for processing the claim element that you're</p> <p>11 referring to in your report?</p> <p>12 MS. KAPPLIN: Objection, misstates the</p> <p>13 report.</p> <p>14 BY THE WITNESS:</p> <p>15 A. I think what I meant there was, I was</p> <p>16 looking at the algorithms in the report.</p> <p>17 BY MR. GOETTLE:</p> <p>18 Q. Yes.</p> <p>19 A. Okay? Comparing that against the code.</p> <p>20 Q. Yes.</p> <p>21 A. Okay? The algorithms in the patent are</p> <p>22 there, obviously, because they're claimed.</p> <p>23 Otherwise, they wouldn't be in the patent unless</p> <p>24 I -- I mean, at least that's my understanding of</p>	<p style="text-align: right;">Page 48</p> <p>1 claims of the patent cover all of the algorithms</p> <p>2 of the patent?</p> <p>3 MS. KAPPLIN: Objection, confusing, misstates</p> <p>4 the testimony.</p> <p>5 BY MR. GOETTLE:</p> <p>6 Q. Would you agree with that?</p> <p>7 A. I'm sorry. Would you repeat that,</p> <p>8 please?</p> <p>9 Q. Sure. Your -- taking the as -- your</p> <p>10 assumption that algorithms that are in a patent</p> <p>11 are also claimed by that patent, would you agree,</p> <p>12 then, that you look at all of the claims, and all</p> <p>13 of those claims together would be claiming all of</p> <p>14 the algorithms of the patent?</p> <p>15 MS. KAPPLIN: Objection, confusing, misstates</p> <p>16 the testimony, and calls for a legal conclusion.</p> <p>17 BY THE WITNESS:</p> <p>18 A. I suspect that depends on individual</p> <p>19 patents. I don't know that I would make it that</p> <p>20 broad of --</p> <p>21 BY MR. GOETTLE:</p> <p>22 Q. So there could be some algorithms in a</p> <p>23 patent that aren't claimed?</p> <p>24 MS. KAPPLIN: Objection, overbroad and vague.</p>
<p style="text-align: right;">Page 47</p> <p>1 the construction of a patent. From my own</p> <p>2 experience with a -- with my own patent, that was</p> <p>3 certainly the case.</p> <p>4 Q. Will you agree with me that patents</p> <p>5 have more than one claim?</p> <p>6 A. Yes.</p> <p>7 Q. That patents have independent claims</p> <p>8 and dependent claims?</p> <p>9 MS. KAPPLIN: Objection, overbroad.</p> <p>10 BY THE WITNESS:</p> <p>11 A. That's been my experience, yes.</p> <p>12 BY MR. GOETTLE:</p> <p>13 Q. And that different claims in a patent</p> <p>14 can have different scopes?</p> <p>15 MS. KAPPLIN: Objection, overbroad, and calls</p> <p>16 for a legal conclusion.</p> <p>17 BY THE WITNESS:</p> <p>18 A. I assume so.</p> <p>19 BY MR. GOETTLE:</p> <p>20 Q. Would you agree that -- let me strike</p> <p>21 that.</p> <p>22 Taking your assumption that algorithms</p> <p>23 in a patent are what are claimed, presumably, that</p> <p>24 would mean that all of -- somehow, all of the</p>	<p style="text-align: right;">Page 49</p> <p>1 BY THE WITNESS:</p> <p>2 A. I don't know.</p> <p>3 BY MR. GOETTLE:</p> <p>4 Q. Are you aware -- strike that.</p> <p>5 How many claims are in the '144 patent?</p> <p>6 A. A total of 45, it looks like.</p> <p>7 Q. And I believe you've testified that</p> <p>8 you're not aware of what claims in this patent are</p> <p>9 being asserted by TruePosition against Andrew</p> <p>10 Corporation?</p> <p>11 A. Well, I mean, obviously, they're in</p> <p>12 here (indicating), but I did not take that into</p> <p>13 account in preparing my report.</p> <p>14 Q. I'll submit to you, sir, that it's</p> <p>15 Claims 1, 2, 22, 31 and 32.</p> <p>16 A. Okay.</p> <p>17 Q. So five of the total claims are being</p> <p>18 asserted against Andrew Corporation.</p> <p>19 A. Right.</p> <p>20 Q. Is it possible that the claims that are</p> <p>21 being asserted against Andrew Corporation do not</p> <p>22 cover all of the algorithms of the patent?</p> <p>23 A. I don't know.</p> <p>24 Q. Is it possible?</p>

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<p style="text-align: right;">Page 50</p> <p>1 MS. KAPPLIN: Objection, speculation, calls 2 for a legal conclusion. 3 THE WITNESS: Right. 4 BY THE WITNESS: 5 A. Everything is possible. 6 BY MR. GOETTLE: 7 Q. Okay. You're not aware of what claims 8 in the '144 patent include an element for 9 processing data to identify individual cellular 10 telephone signals? 11 A. No. 12 Q. You don't know if the asserted claims 13 include the element, processing data to identify 14 cellular telephone signals? 15 A. In -- in the sense that I've -- was not 16 tasked to pay attention to the -- the claims, no. 17 Q. Sure. Did anybody tell you -- tell you 18 that you shouldn't pay attention to the claims? 19 A. No. 20 Q. Was that implied in any of your 21 conversations with anybody? 22 A. No. 23 Q. If I could refer to your report, which 24 is Exhibit -- Exhibit 494, would you agree with me</p>	<p style="text-align: right;">Page 52</p> <p>1 paragraphs 3, 4 and 5 -- 2 A. Yes. 3 Q. -- are addressing or are discussing 4 algorithms for processing data to identify 5 individual cellular telephone signals? 6 MS. KAPPLIN: Objection, misstates the 7 report. 8 BY THE WITNESS: 9 A. Claims 1 -- Claims 2, 3 -- 2 -- sorry. 10 Yeah. 2 -- sorry. 3, 4 and -- and 5 -- 11 BY MR. GOETTLE: 12 Q. Paragraphs 3, 4 and 5? 13 A. Yes. 3, 4 and 5 address the entirety 14 of the algorithm for locating -- for the -- for 15 TruePosition's algorithm for locating cellular 16 telephones. 17 Q. Where does your report say that you're 18 addressing algorithms for locating telephones? 19 A. Well, locating cellular -- cellular 20 phones, sorry. Cell -- or -- 21 Q. Sure. Where in your report do you 22 state that you're addressing the algorithms for 23 locating cellular telephones? 24 A. I don't explicitly state it, but given</p>
<p style="text-align: right;">Page 51</p> <p>1 that paragraphs 3, 4 and 5 are the only paragraphs 2 in your report that are addressing the algorithms 3 of the patent specifically? 4 A. Yes. 5 Q. Are paragraphs 3, 4 and 5 all 6 addressing algorithms for processing data to 7 identify individual cellular telephone signals? 8 MS. KAPPLIN: Objection, misstates the 9 report. 10 BY THE WITNESS: 11 A. It's my understanding from looking 12 at -- just now, looking at Gottesman's report, 13 that they refer to part of the algorithm for -- 14 I mean, they -- they refer to part of the 15 algorithms represented in Figures 7 through 8F, 16 but not all of it. 17 BY MR. GOETTLE: 18 Q. I'm sorry. I didn't understand your -- 19 your answer. You said they refer to algorithms. 20 What do you mean by "they"? Well, the paragraphs 21 of the report? 22 A. The paragraphs of the report. Sorry. 23 Q. I'm sorry. 24 But those three paragraphs,</p>	<p style="text-align: right;">Page 53</p> <p>1 that the patent is calling -- is called "Cellular 2 Telephone Location System," it was my assumption 3 that that's why they -- that's what the algorithms 4 are there for, for locating telephones. So I had 5 assumed that. 6 Q. I see. 7 A. It was the -- the context in which this 8 report was to be taken. 9 Q. I see. Paragraph 3, where you state 10 that Dr. Gottesman refers to, you know, the 11 figures of the '144 patent "as representing the 12 patent's algorithm for processing data to identify 13 individual cellular telephone signals," where you 14 state that, "processing data to identify 15 individual cellular telephone signals," you are 16 not trying to identify a function of a claim, are 17 you? 18 A. I don't know whether I am or not. 19 Q. You may have been identifying a 20 function of a claim? 21 A. I -- I don't know. 22 Q. Was it your intention to identify a 23 function of a claim when you wrote that paragraph? 24 A. No. My intention was to report that,</p>

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<p style="text-align: right;">Page 54</p> <p>1 here's the algorithms that are represented in the 2 patent (Indicating), here's the code (Indicating), 3 and here -- how -- here's the ways in which it 4 does not represent -- the ways it's different from 5 and the ways that it is not -- and both different 6 from and more complex than what I see in -- 7 described in the patent. 8 Q. Did you have an assumption before you 9 started reviewing the code that the algorithms 10 that you were going to find on -- or, excuse me -- 11 that the code in the files on the laptop in 12 Iron -- at Iron Mountain would be different from 13 or more complex than those described in the 14 patent? 15 A. I had no idea whatsoever of what the 16 code would be like. 17 Q. It's your understanding that 18 Dr. Gottesman refers to Figures 7 and 8A to 8D of 19 the patent as representing the patent's algorithms 20 for processing data to identify individual 21 cellular telephone signals, is that correct? 22 A. Yes. 23 Q. Where does that understanding come 24 from?</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. That's okay. 2 A. Yeah. "The algorithm in the patent 3 that performs this function is described in 4 connection with portions of Figures 7, and 5 portions 8A and 8B." 6 Q. What function is he referring to when 7 he says "this function"? 8 A. It's the -- the part of the algorithm 9 up through the TDOA calculation on Figure 7. 10 Q. Well, he's saying that some function 11 that he calls "this function" is described in 12 connection with those figures, but what is "this 13 function"? 14 A. He hasn't stated what "this function" 15 is. 16 Q. You don't think it's the quoted 17 portion in the second bullet down, where it starts 18 "means for processing"? You don't think that's 19 "this function"? 20 MS. KAPPLIN: Objection, vague, calls for 21 legal conclusion. 22 BY THE WITNESS: 23 A. It could be, but I don't know. 24 BY MR. GOETTLE:</p>
<p style="text-align: right;">Page 55</p> <p>1 A. From his expert report. 2 Q. Where in Dr. Gottesman's expert report 3 does he refer to Figures 7 and 8A through 8D as 4 representing the patent's algorithms for 5 processing data to identify individual cellular 6 telephone signals? 7 A. Well, there's part of it here, and I -- 8 on page 36, and I don't -- 9 Q. Okay. 10 A. -- I don't remember where the -- oh, 11 sorry. Page 37. He then refers to "Figures 7, 12 and portions 8C through 8D." 13 8F is actually a con- -- sorry. Yes. 14 And -- 15 Q. Well, let's -- 16 A. 8D. 8E is a continuation, actually, of 17 8D. 18 Q. Okay. You refer to page 36. Where on 19 page 36 is Dr. Gottesman addressing a function for 20 processing data to identify individual cellular 21 telephone signals? 22 A. I don't know whether he's identifying a 23 function -- well, no. He does say "this 24 function." Sorry.</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. You don't know. 2 MS. KAPPLIN: Can we think about a break 3 sometime soon? 4 MR. GOETTLE: Oh, I'm sorry. I should have 5 said that. 6 MS. KAPPLIN: That's okay. 7 MR. GOETTLE: Whenever you -- this is a good 8 stopping point. 9 MS. KAPPLIN: Okay. 10 THE WITNESS: Okay. 11 THE VIDEOGRAPHER: Going off the video record 12 at 10:24 a.m. 13 (WHEREUPON, a recess was had from 14 10:24 a.m. until 10:37 a.m.) 15 THE VIDEOGRAPHER: And we are going back on 16 the video record at 10:37 a.m. This is Tape 2. 17 BY MR. GOETTLE: 18 Q. Dr. Perry, did you -- did you approach 19 your analysis, in determining whether or not 20 TruePosition practiced -- practices the algorithms 21 of the patent, was your approach the same as it 22 would be if you were trying to figure out if 23 TruePosition infringed the patent? 24 A. No.</p>

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<p style="text-align: right;">Page 58</p> <p>1 Q. What's different? What was different</p> <p>2 about it?</p> <p>3 A. Oh, if -- if I were working on</p> <p>4 infringement, I would be paying very, very close</p> <p>5 attention to the claims.</p> <p>6 And -- and in this case, it -- I was</p> <p>7 asked to look at the code and basically compare</p> <p>8 the code against the algorithms of the patent. So</p> <p>9 I had a very narrow scope.</p> <p>10 Q. I see. So you were directed by</p> <p>11 Ms. Waldron to only look at the algorithms as</p> <p>12 disclosed in the figures of the patent and compare</p> <p>13 those algorithms against the code?</p> <p>14 A. I don't know that I would say I was</p> <p>15 "directed." I was hired to look at the code and</p> <p>16 see what the code does relative to the description</p> <p>17 of the -- the description of the algorithms in the</p> <p>18 patent.</p> <p>19 Q. I guess where I get confused -- maybe</p> <p>20 I put too much emphasis on the word, but where</p> <p>21 I get confused is in your report where you state</p> <p>22 that it's your opinion that TruePosition's</p> <p>23 commercial products do not practice algorithms</p> <p>24 claimed in the '144 patent.</p>	<p style="text-align: right;">Page 60</p> <p>1 improper hypothetical, calls for legal conclusion.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I -- I really don't know.</p> <p>4 BY MR. GOETTLE:</p> <p>5 Q. Do you know what a means plus function</p> <p>6 claim is?</p> <p>7 A. I -- I have some understanding.</p> <p>8 Q. What's your understanding?</p> <p>9 A. Well, it's that -- that for a means</p> <p>10 claimed, there has to be a function that -- that</p> <p>11 provides that means.</p> <p>12 Well, for a means described, there has</p> <p>13 to be a function someplace.</p> <p>14 Q. I see. So could I direct your</p> <p>15 attention to the '144 patent, which we marked as</p> <p>16 Exhibit 493, to Figure 7.</p> <p>17 A. Um-hum. Yes.</p> <p>18 Q. The very last block in Figure 7 is</p> <p>19 "Send to User, Generate Billing Data."</p> <p>20 A. Yes.</p> <p>21 Q. Right?</p> <p>22 And I believe in your report in</p> <p>23 paragraph 3, which is Exhibit 494, paragraph 3 --</p> <p>24 A. Um-hum.</p>
<p style="text-align: right;">Page 59</p> <p>1 And if I understand, your testimony is,</p> <p>2 it's probab- -- if the algorithm is in the patent,</p> <p>3 then it's probably claimed?</p> <p>4 A. Yes.</p> <p>5 Q. And, therefore, you didn't do a direct</p> <p>6 one-on-one correlation between the claims of the</p> <p>7 patent and the algorithms of the patent to</p> <p>8 actually see if they were claimed or not?</p> <p>9 A. That's right.</p> <p>10 Q. So am I correct in saying that your</p> <p>11 assumption, going into performing your analysis,</p> <p>12 was that if it was an algorithm in the patent, it</p> <p>13 was also claimed in the patent?</p> <p>14 A. That's right.</p> <p>15 Q. Okay. If -- if we could go back to my</p> <p>16 hypothetical question about infringement, let's</p> <p>17 just say TruePosition is not the assignee of the</p> <p>18 patent, and you're trying to figure out if</p> <p>19 TruePosition infringes the patent.</p> <p>20 A. Yes.</p> <p>21 Q. Do you have a system you would use in</p> <p>22 determining whether means plus function elements</p> <p>23 of the claim are being infringed?</p> <p>24 MS. KAPPLIN: Objection, overbroad, and</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. -- the second-to-last sentence, I think</p> <p>2 that you're referring to that last block of</p> <p>3 Figure 7 as step 9.</p> <p>4 A. Yes.</p> <p>5 Q. So it's your opinion that there was</p> <p>6 nothing in TruePosition's source code or files</p> <p>7 that indicate that there's any sending to user,</p> <p>8 generate billing data?</p> <p>9 A. That's overly broad.</p> <p>10 Q. Okay.</p> <p>11 A. I -- as I say in the report, I found</p> <p>12 nothing in the location code" that I inspected</p> <p>13 that disclosed either steps 7, 8 or 9.</p> <p>14 Q. What is "location code"?</p> <p>15 A. There is a body of code in each</p> <p>16 release, which is in the folder -- either in the</p> <p>17 folder location or something related to location</p> <p>18 that defines the -- the -- the code that defines</p> <p>19 the algorithm that -- in -- in the TruePosition's</p> <p>20 product.</p> <p>21 Q. What do you mean by "body of code"?</p> <p>22 You said the location code was in body of code.</p> <p>23 A. Well, there are -- there are</p> <p>24 directories, subdirectories, files of various</p>

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<p style="text-align: right;">Page 62</p> <p>1 sorts. So there's a portion of the system -- of</p> <p>2 the -- of the source that specifically focuses on</p> <p>3 location.</p> <p>4 Q. Location. And is the directory called</p> <p>5 "location"?</p> <p>6 A. In Releases 7, 8 and 10 -- well, in all</p> <p>7 releases, there is a lo- -- a directory called</p> <p>8 location.</p> <p>9 Q. I understand.</p> <p>10 A. In Release 9, it was empty.</p> <p>11 Q. Right.</p> <p>12 A. There was -- but, yes, in the -- in the</p> <p>13 other releases, there -- they're not empty.</p> <p>14 Q. So in Release 7, there's a directory</p> <p>15 called "location"?</p> <p>16 A. Yes.</p> <p>17 Q. In Release 8, there's a directory</p> <p>18 called "location"?</p> <p>19 A. Yes.</p> <p>20 Q. And Release 10, there's a directory</p> <p>21 called "location"?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 A. And -- and in 9 as well.</p>	<p style="text-align: right;">Page 64</p> <p>1 of code, which you'll appreciate the fact that</p> <p>2 1. gig of -- 1.5 gigabytes of --</p> <p>3 Q. Right.</p> <p>4 A. -- of space --</p> <p>5 Q. This deposition would be next year if</p> <p>6 you --</p> <p>7 A. Possibly further out than that.</p> <p>8 Q. So you base your opinion that step 9 is</p> <p>9 not practiced in the code based on your review of</p> <p>10 the location directory and based on searches of</p> <p>11 the code --</p> <p>12 A. Yes.</p> <p>13 Q. -- using keyword searching?</p> <p>14 A. Keyword searching and -- yes. I guess</p> <p>15 that would be -- I mean, that's the only kind</p> <p>16 of -- well, the search thing has two types of</p> <p>17 searches.</p> <p>18 Well, the two main searches I used were</p> <p>19 searching for file names, so you can search for</p> <p>20 keyword and file names, or you can search for</p> <p>21 keywords in -- a keyword or contiguous keywords in</p> <p>22 the body of the -- of the code -- the body of the</p> <p>23 files.</p> <p>24 Q. What do you think the best way of</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. And in 9, but --</p> <p>2 A. But there's nothing in it.</p> <p>3 Q. Nothing in it, okay.</p> <p>4 And it was that location directory that</p> <p>5 you primarily focused on in determining whether or</p> <p>6 not the algorithms of the patent were being</p> <p>7 practiced?</p> <p>8 A. That was the location -- that was the</p> <p>9 portion of the source that I found by doing</p> <p>10 various sorts of searches and looking that had the</p> <p>11 location-related code.</p> <p>12 Q. If I refer to this last block of</p> <p>13 Figure 7 as "step 9," will you understand what I'm</p> <p>14 referring to?</p> <p>15 A. Yes.</p> <p>16 Q. Is -- couldn't step 9 have been in</p> <p>17 another portion of the code?</p> <p>18 A. It could have been. I tried looking</p> <p>19 for it. I did not find it.</p> <p>20 Q. And how did -- what methodology did you</p> <p>21 use to search for it?</p> <p>22 A. The only thing possible, given the</p> <p>23 system they gave me, and that is the Microsoft</p> <p>24 search command. Apart from inspecting every line</p>	<p style="text-align: right;">Page 65</p> <p>1 determining whether TruePosition's products</p> <p>2 practice the algorithm of the patents is? Do you</p> <p>3 think reviewing source code is the best way?</p> <p>4 MS. KAPPLIN: Objection, compound.</p> <p>5 BY THE WITNESS:</p> <p>6 A. It's certainly the most concrete way.</p> <p>7 BY MR. GOETTLE:</p> <p>8 Q. The most concrete way.</p> <p>9 Do you think talking to TruePosition's</p> <p>10 software people is a good way of determining</p> <p>11 whether TruePosition's products practice the</p> <p>12 claims of the '144 patent?</p> <p>13 MS. KAPPLIN: Objection, vague.</p> <p>14 BY MR. GOETTLE:</p> <p>15 Q. I -- I actually misspoke. Would you</p> <p>16 mind --</p> <p>17 A. Okay.</p> <p>18 Q. -- if I re- -- redo my question?</p> <p>19 A. Sure. I mean, no, I wouldn't mind.</p> <p>20 Q. Do you think talking to TruePosition's</p> <p>21 software people is a good way of determining</p> <p>22 whether TruePosition's products practice the</p> <p>23 algorithms of the '144 patent?</p> <p>24 MS. KAPPLIN: Objection, vague.</p>

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<p style="text-align: right;">Page 66</p> <p>1 BY THE WITNESS:</p> <p>2 A. I don't know. It might be. It might</p> <p>3 not.</p> <p>4 BY MR. GOETTLE:</p> <p>5 Q. Why might it not?</p> <p>6 A. If it's a large system, one person may</p> <p>7 only know a part of the system and may not know</p> <p>8 everything about what's going on.</p> <p>9 Q. So you'd have to talk to a lot of</p> <p>10 people if that was how you were going to base your</p> <p>11 opinion on?</p> <p>12 A. Probably.</p> <p>13 Q. Would you agree that what they tell you</p> <p>14 might be incorrect as well?</p> <p>15 MS. KAPPLIN: Objection, speculation.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I suppose it's possible.</p> <p>18 BY MR. GOETTLE:</p> <p>19 Q. What would your preference be? Would</p> <p>20 you prefer to talk to people at TruePosition</p> <p>21 regarding the code, or would you prefer to review</p> <p>22 the source code to determine whether TruePosition</p> <p>23 products practice the algorithms of the patent?</p> <p>24 A. Well, as I said, the -- the code is the</p>	<p style="text-align: right;">Page 68</p> <p>1 A. Um-hum.</p> <p>2 Q. -- you state that you "found no</p> <p>3 presence of a phone number in any of the data</p> <p>4 structures used in the location code."</p> <p>5 A. Yes.</p> <p>6 Q. Okay. So what do you mean by</p> <p>7 "phone number"?</p> <p>8 A. Well, in step 7 of Figure 7, it says</p> <p>9 "Decode Phone Number For Each Signal, Using</p> <p>10 Strongest Sample." Okay?</p> <p>11 Q. But -- excuse me. I didn't mean to</p> <p>12 interrupt you. You're -- you're not done?</p> <p>13 A. I'm not done.</p> <p>14 Q. Okay.</p> <p>15 A. So -- so here, it says "Decode Phone</p> <p>16 Number."</p> <p>17 Q. Um-hum.</p> <p>18 A. Okay? I looked at the data structures</p> <p>19 that are used by the code that -- that does these</p> <p>20 various parts of -- of the location in the</p> <p>21 location code, and none of the data structures had</p> <p>22 a -- an element of the data structure that was the</p> <p>23 phone number.</p> <p>24 Q. I thought that you had testified</p>
<p style="text-align: right;">Page 67</p> <p>1 most concrete representation. And so I -- I found</p> <p>2 it satisfactory, looking at the code, to be able</p> <p>3 to determine what I needed to determine.</p> <p>4 Q. What functions are performed by the</p> <p>5 location code?</p> <p>6 MS. KAPPLIN: Objection, overbroad.</p> <p>7 BY THE WITNESS:</p> <p>8 A. I'm not sure what you mean by</p> <p>9 "function."</p> <p>10 BY MR. GOETTLE:</p> <p>11 Q. Okay. Does the location code perform a</p> <p>12 correlation function?</p> <p>13 MS. KAPPLIN: Objection, vague.</p> <p>14 BY THE WITNESS:</p> <p>15 A. In looking at the code, there is code</p> <p>16 that does perform correlations. Whether that's</p> <p>17 considered a function, I don't know.</p> <p>18 BY MR. GOETTLE:</p> <p>19 Q. Oh, I see.</p> <p>20 A. And I'm assuming you meaning "function"</p> <p>21 in the patent sense, not "function" in the code</p> <p>22 sense?</p> <p>23 Q. Let me try this a different way. In</p> <p>24 your report, in paragraph 3, the last sentence --</p>	<p style="text-align: right;">Page 69</p> <p>1 earlier that processing data to identify</p> <p>2 individual cellular telephone signals was the</p> <p>3 function that was represented by the first four</p> <p>4 steps of Figure 7.</p> <p>5 A. According to Mr. Gottesman's claim --</p> <p>6 or his report, he's the one that said it would be</p> <p>7 these first four steps.</p> <p>8 Q. And you don't agree?</p> <p>9 A. The -- the -- that is independent of</p> <p>10 whether or not there's a phone number there to be</p> <p>11 decoded. I -- what I'm saying is that there is no</p> <p>12 phone number in the data structures that were used</p> <p>13 by these steps in Figure 7.</p> <p>14 Q. Any of the steps in Figure 7?</p> <p>15 A. In any of the steps.</p> <p>16 Q. So -- so to process data to identify</p> <p>17 individual cellular telephone signals, you looked</p> <p>18 at whether every step, steps 1 through 9 of</p> <p>19 Figure 7, was in the code?</p> <p>20 A. I looked at the code and then compared</p> <p>21 what I found in the code with what's in Figure 7,</p> <p>22 and the answer is --</p> <p>23 Q. Okay.</p> <p>24 A. -- 7 through 9 aren't there.</p>

18 (Pages 66 to 69)

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<p style="text-align: right;">Page 70</p> <p>1 Q. Okay. Did you consider whether there 2 was any equivalent to a phone number in the data 3 structures? 4 MS. KAPPLIN: Objection, calls for legal 5 conclusion, vague. 6 BY THE WITNESS: 7 A. No. I didn't see anything -- I mean, 8 no. 9 BY MR. GOETTLE: 10 Q. When you were reviewing the code, were 11 you determining whether the steps of the algorithm 12 of Figure 7 were in the code or whether any step 13 equivalent to the steps of the algorithm in 14 Figure 7 were in the code? 15 MS. KAPPLIN: Objection, calls for legal 16 conclusion, vague. 17 BY THE WITNESS: 18 A. Would you please repeat? 19 BY MR. GOETTLE: 20 Q. Sure. My impression is -- and correct 21 me if I'm wrong -- my impression is that you 22 looked at the code to determine whether each of 23 the nine steps of Figure 7 was represented in the 24 location code.</p>	<p style="text-align: right;">Page 72</p> <p>1 MR. GOETTLE: That's I-M-S-I, by the way. 2 BY MR. GOETTLE: 3 Q. Did you look in the data structure to 4 determine whether there was any international 5 mobile subscriber identity? 6 A. I do not recall finding an identifier 7 in any of the data structures. 8 Q. Did you look for any transaction ID -- 9 MS. KAPPLIN: Objection. 10 BY MR. GOETTLE: 11 Q. (Continuing) -- In the data structures? 12 MS. KAPPLIN: Objection, vague. 13 BY THE WITNESS: 14 A. As I said, I didn't find anything that 15 was -- I don't recall finding anything that was of 16 the form of an identifier. 17 BY MR. GOETTLE: 18 Q. When I say "transaction ID," do you 19 know what -- to what I'm referring? 20 A. There are a wide variety of things it 21 might be, but I get the general drift. 22 Q. In a GSM network, what's your 23 understanding of "transaction ID"? 24 A. I have no understanding of "transaction</p>
<p style="text-align: right;">Page 71</p> <p>1 A. Yes. 2 Q. And you determined that some steps were 3 not in the location code? 4 A. That's right. 5 Q. Did you also consider whether there 6 were any equivalent steps to any of the steps in 7 Figure 7 in the code? 8 MS. KAPPLIN: Objection, calls for legal 9 conclusion, and vague. 10 BY THE WITNESS: 11 A. I did not find anything that I would 12 have considered equivalent, either. 13 BY MR. GOETTLE: 14 Q. So you did search for equivalents when 15 you were reviewing the code? 16 A. I -- I searched for everything I could 17 think of that was related to those steps, yes. 18 Q. Did you search for IMSIs in the data 19 structures? 20 A. "IMSI's"? 21 Q. You're not familiar with the term 22 "IMSI"? 23 A. No. 24 Q. Did you --</p>	<p style="text-align: right;">Page 73</p> <p>1 ID" in a GSM network. 2 Q. Do you have an understanding of an 3 internal mobile subscriber identity? 4 A. I have a -- a vague understanding that 5 a mobile telephone has some form of identity, yes. 6 Q. Do you have an understanding of a -- of 7 what a temporary mobile subscriber identity is? 8 A. Well, from -- from -- from your 9 description, it's an identifier that's temporary. 10 But beyond that, no. 11 Q. Do you have any understanding of an 12 international mobile equipment identity? 13 A. Other than what one would intuitively 14 understand from the name, no. 15 Q. How about an MSISDN? 16 A. Well, I -- I know what ISDN was, but 17 no. 18 Q. Is it possible that one of -- one of -- 19 let me back up. 20 Is it possible that one of those data 21 structures in the location code included an 22 international mobile equipment identity? 23 A. If it did, I would have noticed it, and 24 I would remember that there was some form of</p>

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<p style="text-align: right;">Page 74</p> <p>1 identification with -- in the data structure. 2 Q. So your answer is "no"? 3 A. Yes. 4 Q. Is it possible that other portions of 5 the code that was in escrow include data 6 structures containing phone numbers or other 7 identi- -- identifying information? 8 A. Yes, it is. 9 Q. And if there were in other places in 10 the code such a data structure, would that change 11 your opinion? 12 A. I tried -- 13 MS. KAPPLIN: Objection. 14 THE WITNESS: I'm sorry. 15 MS. KAPPLIN: Objection, overbroad. 16 BY THE WITNESS: 17 A. I did try to find such data structures, 18 and I was not successful. 19 BY MR. GOETTLE: 20 Q. Do you recall whether you looked in the 21 class C:/wlg/sg/src/lb manager for a data 22 structure containing a telephone number or mobile 23 identifier? 24 A. I don't remember. I do remember</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. How about a subdirectory of src called 2 UTDOA response? 3 A. I did take a look at that. 4 Q. And no data structure there? 5 A. I don't remember. 6 Q. Is it possible it had a data structure 7 that included -- 8 A. It -- it's possible. There was a lot 9 of code. 10 Q. So there -- I guess there is the 11 possibility that the code did include a data 12 structure with a phone number or other identifier? 13 A. I -- yes, it is possible that there is 14 a data structure someplace with a phone number. 15 Q. Are you familiar with the term "SCOUT"? 16 A. Yes. SCOUT was one of the major 17 directories. 18 Q. And you looked in the directory SCOUT? 19 A. I searched through the directory SCOUT 20 for various things. 21 But my understanding is -- of SCOUT is 22 that it's an operation support system, an OSS, and 23 that would not -- my understanding of what OSS is, 24 is that that would not be a place that would</p>
<p style="text-align: right;">Page 75</p> <p>1 generally looking -- looking in that area. 2 I don't remember that specific file name. There 3 were a lot of file names. 4 Q. I can imagine. 5 Do you recall looking in a -- in a 6 class called C:/wlg/common? 7 A. I did look in -- in wlg/common, yes. 8 Q. You did. Did you look in a 9 subdirectory called "src"? 10 A. Yes. 11 Q. Did you look in a subdirectory of src 12 called bssMapPerformLocation request? 13 A. I don't remember. 14 Q. Did you look in a subdirectory 15 of src; again, that's 16 wlg/common/lb/src/bssMapPerformLocation response? 17 A. It sounds vaguely familiar, but I don't 18 honestly remember. 19 Q. How about a subdirectory of src called 20 UTDOA request? 21 A. I did look there. 22 Q. And you didn't see a data structure 23 with a phone number or other mobile identifier? 24 A. Not that I remember.</p>	<p style="text-align: right;">Page 77</p> <p>1 provide interactive processing for location -- 2 locating. It's a support system, not a part of 3 the -- the system itself. 4 Q. Is it your understanding that SCOUT is 5 an interface for forwarding locations back out to 6 the network? 7 A. I have no understanding of SCOUT beyond 8 my understanding that it's a -- an operation 9 support system. 10 Q. Is it possible that there's a data 11 structure in SCOUT that contains a phone number or 12 an identifier for a mobile? 13 A. Yes. It's possible that SCOUT would 14 have. But as I said, SCOUT would not be the place 15 for the location algorithms because it's a support 16 system. It's not the system itself. 17 Q. What do you mean by "location 18 algorithms"? 19 A. The algorithms found in the code that 20 I looked at in the -- in the location directory. 21 Q. Do you have an understanding of how the 22 Finder System, TruePosition's Finder System, would 23 receive a request to do a location and then would 24 report a location back out to the requester?</p>

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<p style="text-align: right;">Page 78</p> <p>1 MS. KAPPLIN: Objection, compound, vague.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I did not have any documentation on the</p> <p>4 Finder System. All I had was the source files in</p> <p>5 the system.</p> <p>6 BY MR. GOETTLE:</p> <p>7 Q. What's your understanding of the</p> <p>8 purpose of -- of the source file and the systems</p> <p>9 files? The source files -- excuse me -- the</p> <p>10 source files and the source code?</p> <p>11 MS. KAPPLIN: Objection, vague.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I'm not sure I know what you mean.</p> <p>14 BY MR. GOETTLE:</p> <p>15 Q. Well, you understand that that --</p> <p>16 the source code and the source files are a</p> <p>17 TruePosition product?</p> <p>18 A. In some sense of "product," yes.</p> <p>19 Q. Well, I don't want to be obtuse.</p> <p>20 You understand that TruePosition sells</p> <p>21 a product called "Finder"?</p> <p>22 A. Yes, but -- okay. What I mean by that</p> <p>23 is, what you get is an executable version of the</p> <p>24 system. You don't get the source files</p>	<p style="text-align: right;">Page 80</p> <p>1 "telephone location service"?</p> <p>2 MS. KAPPLIN: Objection, overbroad.</p> <p>3 BY THE WITNESS:</p> <p>4 A. In -- in general terms, I guess it</p> <p>5 would be the fact that somebody -- if I -- is</p> <p>6 that, for instance, if there's a 911 call, you can</p> <p>7 locate where that cell phone -- where the -- where</p> <p>8 the call is from.</p> <p>9 BY MR. GOETTLE:</p> <p>10 Q. Okay. So you would agree with me,</p> <p>11 then, that somebody -- outside of the system that</p> <p>12 TruePosition sells, somebody makes a request to</p> <p>13 locate a phone. Do you agree with that?</p> <p>14 MS. KAPPLIN: Objection, speculation, and</p> <p>15 vague.</p> <p>16 BY THE WITNESS:</p> <p>17 A. Possibly somebody, possibly a system.</p> <p>18 I don't know.</p> <p>19 BY MR. GOETTLE:</p> <p>20 Q. Okay. So a system or somebody makes</p> <p>21 the request, and that goes into, somehow gets</p> <p>22 accepted by TruePosition's executable code?</p> <p>23 MS. KAPPLIN: Objection, overbroad, and</p> <p>24 speculation.</p>
<p style="text-align: right;">Page 79</p> <p>1 themselves.</p> <p>2 Q. Oh, I see. So your understanding is</p> <p>3 that TruePosition does -- does market the exec --</p> <p>4 executable portions of the source code that you</p> <p>5 reviewed in accomplishing the files?</p> <p>6 A. Yes. That was one of the basic</p> <p>7 assumptions.</p> <p>8 Q. Okay. And so that -- those executable</p> <p>9 files that TruePosition sells serve a purpose?</p> <p>10 A. Yes.</p> <p>11 Q. So I'm just curious. What's your</p> <p>12 understanding of the purpose?</p> <p>13 MS. KAPPLIN: Objection, vague and overbroad.</p> <p>14 BY MR. GOETTLE:</p> <p>15 Q. Why would somebody buy that executable</p> <p>16 code?</p> <p>17 MS. KAPPLIN: Objection, speculation, vague,</p> <p>18 and overbroad.</p> <p>19 BY THE WITNESS:</p> <p>20 A. Presumably, because they want a</p> <p>21 telephone location service as part of their</p> <p>22 offerings.</p> <p>23 BY MR. GOETTLE:</p> <p>24 Q. What -- how would you characterize a</p>	<p style="text-align: right;">Page 81</p> <p>1 BY THE WITNESS:</p> <p>2 A. Probably, yes.</p> <p>3 BY MR. GOETTLE:</p> <p>4 Q. And then, TruePosition's executable</p> <p>5 code satisfies the request by determining the</p> <p>6 location of the cell phone?</p> <p>7 MS. KAPPLIN: Objection, speculation, vague</p> <p>8 and overbroad.</p> <p>9 BY THE WITNESS:</p> <p>10 A. At -- at a general level, you know,</p> <p>11 I mean, independent of the fact -- I mean, that --</p> <p>12 that -- yeah, I assume that's -- that's the case.</p> <p>13 I mean, my -- my job here was not to</p> <p>14 investigate those things, but just to look at the</p> <p>15 code to find out where the location was</p> <p>16 determined.</p> <p>17 BY MR. GOETTLE:</p> <p>18 Q. I think that you and I are converging</p> <p>19 on the same point, if you'll just bear with me.</p> <p>20 Okay?</p> <p>21 A. Okay.</p> <p>22 Q. So after TruePosition's system receives</p> <p>23 that request and determines the location, it sends</p> <p>24 a response back out --</p>

21 (Pages 78 to 81)



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<p style="text-align: right;">Page 82</p> <p>1 MS. KAPPLIN: Objection, speculation. 2 BY MR. GOETTLE: 3 Q. (Continuing) -- that includes the 4 location, that includes the results? 5 MS. KAPPLIN: Objection, speculation, 6 overbroad and vague. 7 BY THE WITNESS: 8 A. As far as I understand -- or my 9 assumption would be that if it can determine the 10 location, yes, it would probably send it out. 11 BY MR. GOETTLE: 12 Q. And I guess where I get confused is 13 that it seems that you're saying and your report 14 is saying that everything in -- everything that 15 the system needs to do to determine that location 16 that's embodied in the figures of the patent has 17 to be in what you call the location code that's in 18 escrow? 19 MS. KAPPLIN: Objection, overbroad, and 20 misstates the report. 21 BY THE WITNESS: 22 A. No. I haven't said it has to be there. 23 I've -- what I said is that the code 24 that I did find there has certain characteristics</p>	<p style="text-align: right;">Page 84</p> <p>1 are in the patent are being performed in portions 2 of the code that are not the location code? 3 A. Yes. Some of them could be. 4 Q. And based on your word searches, you've 5 determined that that's not the case? 6 A. Based on -- 7 MS. KAPPLIN: Objection. 8 THE WITNESS: Sorry. 9 MS. KAPPLIN: Objection, misstates the 10 testimony. 11 BY THE WITNESS: 12 A. Based on what I did, I was not able to 13 find them. 14 MR. GOETTLE: Shira, would it -- would it be 15 okay with you to take a lunch break now, with the 16 idea that we will come back from lunch, and I'll 17 probably have a few more questions, and then we'll 18 wrap up -- 19 MS. KAPPLIN: Sure. 20 MR. GOETTLE: -- shortly after that? 21 MS. KAPPLIN: Do you want to take a whole 22 lunch break, or do you want to take maybe a 23 shorter break, and then we'll -- 24 MR. GOETTLE: Maybe just a half hour. Even</p>
<p style="text-align: right;">Page 83</p> <p>1 about it and that the code that is there, the 2 algorithms embodied in that code or represented by 3 the code, are not the algorithm -- the algorithm 4 described in Figure 7 -- I mean 8A through 8E, for 5 instance. 6 BY MR. GOETTLE: 7 Q. But you give specific reasons for that. 8 Oh, I'm sorry. 9 A. Yes. 10 Q. I interrupted you. 11 A. Well, there -- the thing is that you -- 12 we were discussing a very broad general version 13 of -- 14 Q. Right. 15 A. -- location systems. Okay. There are 16 a gazillion different ways you can implement 17 those. 18 Q. Right. 19 A. This is one way. 20 Q. Right. 21 A. Okay? So my job was to look at the 22 code, and is the code doing it this way, the way 23 that's represented in the figures in the patent. 24 Q. But couldn't it be that some steps that</p>	<p style="text-align: right;">Page 85</p> <p>1 if you just wanted to take a half hour, would that 2 be fine? 3 THE WITNESS: That's fine. 4 MS. KAPPLIN: That will be fine. 5 MR. GOETTLE: That's all right with you, sir? 6 THE WITNESS: Sure. I'm amenable. I'm also 7 thirsty right now, so it's a good time. 8 THE VIDEOGRAPHER: All right. We are going 9 off the video record at 11:15 a.m. 10 (WHEREUPON, at 11:15 a.m., the 11 videotaped deposition of 12 DEWAYNE E. PERRY was recessed 13 until 11:45 a.m., this date, 14 January 22, 2007.) 15 16 17 18 19 20 21 22 23 24</p>

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<p style="text-align: right;">Page 86</p> <p>1 UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF DELAWARE 3 4 TRUEPOSITION, INC., ) 5 Plaintiff, ) C.A. No. 6 -vs- ) 04-0757-SLR 7 ANDREW CORPORATION, ) 8 Defendant. ) 9 10 11 CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 12 13 14 January 22, 2007 15 11:57 a.m. 16 17 18 The videotaped deposition of 19 DEWAYNE E. PERRY, resumed pursuant to recess, at 20 5900 Aon Center, 200 East Randolph Drive, Chicago, 21 Illinois. 22 23 24</p>	<p style="text-align: right;">Page 88</p> <p>1 THE VIDEOGRAPHER: And we are back on the 2 video record at 11:57 a.m. 3 DEWAYNE E. PERRY, 4 called as a witness herein, having been previously 5 duly sworn and having testified, was examined and 6 testified further as follows: 7 EXAMINATION (Resumed) 8 BY MR. GOETTLE: 9 Q. Dr. Perry, we talked earlier today 10 about the claims of the patent and whether you had 11 reviewed the claims in conjunction with the 12 figures. And it's my understanding that -- and 13 correct me if I'm wrong -- that if -- that the 14 algorithms that you reviewed were claimed? 15 A. In -- in a broad sense, yes. 16 Q. But you didn't do a match-up of the 17 claims to the algorithms? 18 A. No. 19 Q. And by "algorithms," I mean Figure 7 or 20 Figures 8A through 8D. 21 A. Well, technically, 8E. 22 Q. Yeah. 23 A. Yes. 24 Q. You didn't do it?</p>
<p style="text-align: right;">Page 87</p> <p>1 PRESENT: 2 WOODCOCK WASHBURN LLP, 3 (Cira Centre, 12th Floor, 4 2929 Arch Street, 5 Philadelphia, Pennsylvania 19104-2891, 6 215-568-3100), by: 7 MR. DANIEL J. GOETTLE, 8 appeared on behalf of the Plaintiff; 9 10 KIRKLAND &amp; ELLIS LLP, 11 (Aon Center, 200 East Randolph Drive, 12 Chicago, Illinois 60601, 13 312-861-2000), by: 14 MS. SHIRA J. KAPPLIN and 15 MS. REGAN A. SMITH, 16 appeared on behalf of the Defendant. 17 18 19 VIDEOTAPED BY: JOE M. ELSEY, 20 Esquire Deposition Services. 21 REPORTED BY: ROSANNE M. NUZZO, CRR, RPR, 22 CSR License No. 84-1388. 23 24</p>	<p style="text-align: right;">Page 89</p> <p>1 A. I didn't, right. Sorry. 2 Q. Did you review TruePosition's claim 3 constructions? 4 A. No, I have not seen those. 5 Q. And did you review Andrew's claim 6 constructions? 7 A. No. 8 Q. And I guess our conversation has been a 9 little bit centered around means plus function 10 claims. But Claim 31, which is one of the 11 asserted claims I mentioned earlier today, is a 12 method claim. It's not a means plus function 13 claim. 14 Did you review Claim 31 in 15 determining -- and determine that TruePosition's 16 source code did not practice the steps of 17 Claim 31? 18 A. I -- I did not look at any of the 19 claims with -- with, in mind, comparing the codes 20 against the claims. 21 Q. Okay. If TruePosition employees told 22 you that they are practicing the algorithms of 23 Figures 7 and 8A through 8E, would that change 24 your opinion?</p>

23 (Pages 86 to 89)



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<p style="text-align: right;">Page 90</p> <p>1 A. No.</p> <p>2 Q. Why not?</p> <p>3 A. Because the algorithms that I found</p> <p>4 represented in the code are, as I stated in my</p> <p>5 report, both different; i.e., there are things</p> <p>6 that are missing as well as things that are</p> <p>7 present that aren't in this -- in the description</p> <p>8 here (indicating).</p> <p>9 And -- and the parts that are present</p> <p>10 in the code that aren't here are more complex than</p> <p>11 the algorithms defined here.</p> <p>12 Q. So is it -- is it fair to say that the</p> <p>13 best way to know whether TruePositioning --</p> <p>14 TruePosition is practicing the algorithms of</p> <p>15 Figures 7 or 8A through 8E is by looking at the</p> <p>16 source code?</p> <p>17 MS. KAPPLIN: Objection, asked and answered.</p> <p>18 BY THE WITNESS:</p> <p>19 A. As I said earlier, that -- that is</p> <p>20 certainly the most concrete way. There may be</p> <p>21 other ways, but -- but that certainly is where --</p> <p>22 that -- that -- as it were, that's where the</p> <p>23 rubber meets the road, and so that's where --</p> <p>24 now -- yes.</p>	<p style="text-align: right;">Page 92</p> <p>1 most accurate.</p> <p>2 BY MR. GOETTLE:</p> <p>3 Q. What's another way that's accurate?</p> <p>4 A. Executing the code and monitoring it.</p> <p>5 Q. Any other ways that are as -- as</p> <p>6 accurate?</p> <p>7 A. I would say those two are the most</p> <p>8 concrete, that that's where reality is.</p> <p>9 Q. By "concrete," do you mean -- I'm</p> <p>10 trying to figure out what that means. You mean</p> <p>11 accurate --</p> <p>12 A. Well, okay.</p> <p>13 Q. -- reliable?</p> <p>14 A. Let me -- let me give you an example.</p> <p>15 David Korn wrote a system called the KornShell.</p> <p>16 In fact, some of the -- some of the code in the</p> <p>17 system is, in fact, KornShell code.</p> <p>18 I had a -- an algorithm that</p> <p>19 reconstructed the architecture of the system from</p> <p>20 his code, took it to him, and said, "Is this an</p> <p>21 accurate representation of your system?" And he</p> <p>22 said, "No. This part over here is wrong." Okay?</p> <p>23 So we went back and looked at the code.</p> <p>24 No. We were right, he was wrong. This is the</p>
<p style="text-align: right;">Page 91</p> <p>1 BY MR. GOETTLE:</p> <p>2 Q. So is looking at the code the most</p> <p>3 accurate way of determining whether True --</p> <p>4 (WHEREUPON, there was a short</p> <p>5 interruption.)</p> <p>6 MS. KAPPLIN: Let's go off the record.</p> <p>7 THE VIDEOGRAPHER: Okay. We are going off</p> <p>8 the record at 12:01 p.m.</p> <p>9 (WHEREUPON, discussion was had off</p> <p>10 the record.)</p> <p>11 THE VIDEOGRAPHER: Going back on the video</p> <p>12 record at 12:01 p.m.</p> <p>13 BY MR. GOETTLE:</p> <p>14 Q. Dr. Perry, would you agree that looking</p> <p>15 at the source code is the most accurate way of</p> <p>16 determining whether TruePosition is practicing the</p> <p>17 algorithms of claims -- or --</p> <p>18 MS. KAPPLIN: Object --</p> <p>19 BY MR. GOETTLE:</p> <p>20 Q. (Continuing) -- Figures 7 and 8A</p> <p>21 through 8E?</p> <p>22 MS. KAPPLIN: Objection, vague.</p> <p>23 BY THE WITNESS:</p> <p>24 A. It is -- it is certainly one of the</p>	<p style="text-align: right;">Page 93</p> <p>1 author of the code himself. And so there are</p> <p>2 times when even the author of a piece of code has</p> <p>3 misrecollections, misremembering, forgetting</p> <p>4 things, and so forth. So -- so that's even</p> <p>5 talking to the person who coded it yesterday, it</p> <p>6 may be that they have not -- just forgotten</p> <p>7 something.</p> <p>8 So code is where the -- you know, at</p> <p>9 least a static representation of the system.</p> <p>10 Executing is what it does when it ex- -- you know,</p> <p>11 dynamically.</p> <p>12 And those would be your two primary</p> <p>13 concrete sources.</p> <p>14 Q. And those two sources are more reliable</p> <p>15 than talking to individuals involved in the code?</p> <p>16 A. Yes --</p> <p>17 MS. KAPPLIN: Objection --</p> <p>18 BY THE WITNESS:</p> <p>19 A. (Continuing) -- for the -- for the</p> <p>20 reason that I --</p> <p>21 THE COURT REPORTER: Was there an objection?</p> <p>22 BY THE WITNESS:</p> <p>23 A. For the example -- yes. Sorry.</p> <p>24 MS. KAPPLIN: Objection, vague.</p>

24 (Pages 90 to 93)

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<p style="text-align: right;">Page 94</p> <p>1 THE WITNESS: Right. 2 MS. KAPLIN: Thanks. 3 BY THE WITNESS: 4 A. (Continuing) -- for -- for the example 5 that I just gave, where even the author didn't 6 agree with the code. 7 BY MR. GOETTLE: 8 Q. In the six cases that you have been 9 involved with, the three that are in your report 10 and the three others that are not in your report, 11 have you ever had to rely on an individual 12 involved and their explanations in forming your 13 opinion? 14 MS. KAPLIN: Objection, vague, overbroad. 15 BY THE WITNESS: 16 A. No. 17 BY MR. GOETTLE: 18 Q. And you've always relied on what in 19 those cases -- 20 MS. KAPLIN: Objection. 21 BY MR. GOETTLE: 22 Q. (Continuing) -- in forming your 23 opinion? 24 MS. KAPLIN: Objection, vague and overbroad.</p>	<p style="text-align: right;">Page 96</p> <p>1 TruePosition? 2 A. The -- my report (indicating). 3 Q. Anything besides your report? 4 A. Well, the attachment. 5 Q. The attachment. Nothing besides the 6 attachment? 7 A. Nothing -- nothing besides that. 8 MR. GOETTLE: Okay. I have no further 9 questions. 10 MS. KAPLIN: I have no questions for the 11 witness. 12 THE VIDEOGRAPHER: Okay. Going off the video 13 record at 12:06 p.m. 14 15 FURTHER DEPONENT SAITH NAUGHT. 16 17 (Time noted: 12:06 p.m.) 18 19 20 21 22 23 24</p>
<p style="text-align: right;">Page 95</p> <p>1 BY THE WITNESS: 2 A. I've relied in some cases on source 3 code; in other cases, on documents, various kinds 4 of documents associated with -- with the 5 litigation. 6 BY MR. GOETTLE: 7 Q. Are you aware that TruePosition made 8 requests for documents of you in this case? 9 A. I think there was something about 10 requesting all my papers. There -- most of them 11 were available on the Web. 12 Q. Did you -- 13 A. That's the only thing I know about. 14 Q. Did you -- did you provide any 15 documents to Andrew or to Kirkland &amp; Ellis 16 attorneys in response to the requests? 17 A. No. There -- no request was made of 18 me. 19 Q. Kirkland &amp; Ellis attorneys never 20 relayed a request from TruePosition for documents 21 from you? 22 A. No. 23 Q. Did you give any documents to 24 Kirkland &amp; Ellis attorneys to give to</p>	<p style="text-align: right;">Page 97</p> <p>1 UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF DELAWARE 3 4 TRUEPOSITION, INC., ) 5 Plaintiff, ) C.A. No. 6 -vs- ) 04-0757-SLR 7 ANDREW CORPORATION, ) 8 Defendant. ) 9 10 I hereby certify that I have read the 11 foregoing transcript of my deposition given at the 12 time and place aforesaid, consisting of Pages 1 to 13 96, inclusive, and I do again subscribe and make 14 oath that the same is a true, correct and complete 15 transcript of my deposition so given as aforesaid, 16 and includes changes, if any, so made by me. 17 18 DEWAYNE E. PERRY 19 SUBSCRIBED AND SWORN TO 20 before me this day 21 of , A.D. 200 . 22 23 Notary Public 24</p>

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<p style="text-align: right;">Page 98</p> <p>1 STATE OF ILLINOIS )  2 ) SS:  3 COUNTY OF WILL )  4 I, ROSANNE M. NUZZO, a Notary Public  5 within and for the County of Will, State of  6 Illinois, and a Certified Shorthand Reporter,  7 CSR No. 84-1388, of said state, do hereby certify:  8 That previous to the commencement of  9 the examination of the witness, the witness was  10 duly sworn to testify the whole truth concerning  11 the matters herein;  12 That the foregoing deposition  13 transcript was reported stenographically by me,  14 was thereafter reduced to typewriting under my  15 personal direction, and constitutes a true record  16 of the testimony given and the proceedings had;  17 That the said deposition was taken  18 before me at the time and place specified;  19 That I am not a relative or employee or  20 attorney or counsel, nor a relative or employee of  21 such attorney or counsel for any of the parties  22 hereto, nor interested directly or indirectly in  23 the outcome of this action.  24 IN WITNESS WHEREOF, I do hereunto set</p>	<p style="text-align: right;">Page 100</p> <p style="text-align: center;">INDEX</p> <p>1  2  3 WITNESS: PAGE:  4 DEWAYNE E. PERRY  5 BY MR. GOETTLE..... 4  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24</p> <p style="text-align: center;">EXHIBITS</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">EXHIBIT NUMBER</th> <th style="text-align: right;">MARKED FOR ID</th> </tr> </thead> <tbody> <tr> <td colspan="2">PLAINTIFF'S DEPOSITION EXHIBITS</td> </tr> <tr> <td>No. 493.....</td> <td style="text-align: right;">6</td> </tr> <tr> <td>No. 494.....</td> <td style="text-align: right;">10</td> </tr> <tr> <td>No. 495.....</td> <td style="text-align: right;">38</td> </tr> </tbody> </table>	EXHIBIT NUMBER	MARKED FOR ID	PLAINTIFF'S DEPOSITION EXHIBITS		No. 493.....	6	No. 494.....	10	No. 495.....	38
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No. 495.....	38										
<p style="text-align: right;">Page 99</p> <p>1 my hand and affix my seal of office at Chicago,  2 Illinois, this 23rd day of January, 2007.  3  4  5 Notary Public, Will County, Illinois.  6 My commission expires May 16, 2009.  7  8  9 C.S.R. Certificate No. 84-1388.  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24</p>	<p>1  2  3  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24</p>										

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**CERTIFICATE OF SERVICE**

I, James D. Heisman, hereby certify that on this 17th day of May 2007, I caused a true and correct copy of the foregoing **Appendix A1-87 to Motion to Exclude the Testimony of Dr. Dewayne E. Perry Pursuant to Federal Rules of Evidence 702** to be served upon the following individuals via CM/ECF and in the manner indicated below:

*Via e-mail and hand-delivery*

Josy W. Ingersoll, Esq.  
Young Conaway Stargatt & Taylor, LLP  
100 West Street, 17th Floor  
Wilmington, DE 19801  
[jingersoll@ycst.com](mailto:jingersoll@ycst.com)

*Via e-mail only*

Patrick D. McPherson, Esq.  
Duane Morris LLP  
1667 K Street, N.W.  
Washington, DC 20006-1608  
[PDMcPherson@duanemorris.com](mailto:PDMcPherson@duanemorris.com)

*Via e-mail only*

Rachel Pernic Waldron, Esq.  
Kirkland & Ellis LLP  
200 East Randolph Drive  
Chicago, IL 60601  
[rpernicwaldron@kirkland.com](mailto:rpernicwaldron@kirkland.com)

/s/ James D. Heisman

James D. Heisman (# 2746)